The Ombudsman, Hong Kong

# Annual Report 2020/21



POSITIVE COMPLAINT CULTURE FOR BETTER ADMINISTRATION

# Key Figures
## of the Year

### Complaints received
**29,814**

96% by **email/fax**

2.8% by **post**

0.7% in **person**

0.5% by **phone**

### Complaints completed
**30,021**

27,195 Closed after **assessment**

2,480 Concluded by **inquiry**

167 Concluded by **full investigation**

179 Resolved by **mediation**

Complaints closed within **15 working days** after initial assessment due to jurisdictional restrictions
**99.8%**
target: 99.0%

Complaints concluded within **3 months**
**82.2%**
target: 80.0%

Complaints concluded within **6 months**
**98.1%**
target: 99.0%

**9**
**Direct Investigations**
completed

**136** Cases related to **access to information**
completed

**Recommendations**
given **194**

**Enquiries**
received **7,505**

# Vision

To ensure that Hong Kong is served by a fair and efficient public administration which is committed to accountability, openness and quality of service

# Mission

Through independent, objective and impartial investigation, to redress grievances and address issues arising from maladministration in the public sector and bring about improvement in the quality and standard of and promote fairness in public administration

# Values

- Maintaining impartiality and objectivity in our investigations
- Making ourselves accessible and accountable to the public and organisations under our jurisdiction
- According the public and organisations courtesy and respect
- Upholding professionalism in the performance of our functions

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# History in Brief

## 1988

### 20 July

The Commissioner for Administrative Complaints ("COMAC") Bill was passed by the Legislative Council ("LegCo")

## 1989

### 1 February

- The COMAC Ordinance was enacted
- First Commissioner Mr Arthur Garcia, JP assumed office

### 1 March

The Office of COMAC became operational with staff seconded from Government



*First Commissioner Mr Arthur Garcia, JP*

## 1993

### 21 July

Legislative review completed, the COMAC (Amendment) Bill was introduced into LegCo

## 1994



*Second Commissioner Mr Andrew So, SBS, OBE, JP*

### 1 February

Second Commissioner Mr Andrew So, SBS, OBE, JP assumed office

### 24 June

The COMAC Ordinance was amended:

- to enable the public to lodge complaints directly, instead of by referral from LegCo Members
- to extend the jurisdiction to some major statutory bodies
- to empower the Commissioner to publish anonymised investigation reports
- to empower the Commissioner to initiate direct investigation

### 30 June

Advisers were appointed to provide expert advice and professional opinion

### 1 July

Chinese title of the Commissioner was changed to「申訴專員」and the Office to「申訴專員公署」

## 1995

### 1 March

Jurisdiction was extended to investigation into alleged breach of Code on Access to Information

## 1996

### 1 March

Non-official Justices of the Peace ("JPs") were enlisted in a JPs Assistance Scheme

### 27 December

English titles were changed to "The Ombudsman" and "Office of The Ombudsman"

## 1997

### 1 April

Mediation service was launched as an alternative dispute resolution method

### 25 July

The Ombudsman's Awards were introduced to acknowledge public organisations handling complaints positively

## 1999

### 1 April

Third Ombudsman Ms Alice Tai, GBS, OBE, JP assumed office

### 22 July

The Ombudsman's Awards were extended to acknowledge public officers' contribution towards better quality services



*Third Ombudsman*
*Ms Alice Tai, GBS, OBE, JP*

## 2001

### 28 March

Telephone complaint service was introduced

### 19 December

The Ombudsman (Amendment) Ordinance 2001 came into operation:

- to establish The Ombudsman as a corporation sole with full powers to conduct financial and administrative matters
- to empower The Ombudsman to set terms and conditions of appointment for staff
- to adopt systems and processes separate from Government

## 2002

### 6 September

Office moved to permanent accommodation at Shun Tak Centre in Sheung Wan




## 2004




*Third Ombudsman*
*Ms Alice Tai, GBS, OBE, JP*

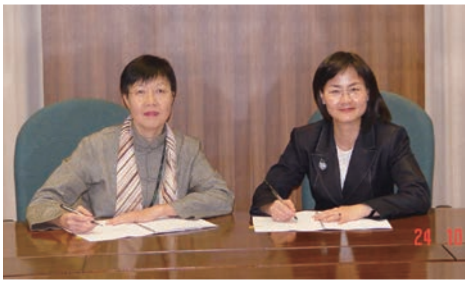
### 1 April

Ms Alice Tai, GBS, OBE, JP started her second term (2004–2009) as The Ombudsman

## 2005

### 24 October

A "Memorandum of Administrative Arrangements" ("MAA") was signed between the Director of Administration and The Ombudsman to set out the general principles and guidelines governing the administrative arrangements for this Office and working relationship with Government



*Signing of MAA*

## 2009

### 1 April

Fourth Ombudsman Mr Alan Lai Nin, GBS, JP assumed office



*Fourth Ombudsman*
*Mr Alan Lai Nin, GBS, JP*

## 2014

### 1 April

Fifth Ombudsman Ms Connie Lau, SBS, JP assumed office



*Fifth Ombudsman*
*Ms Connie Lau, SBS, JP*

## 2019

### 1 April

Sixth Ombudsman Ms Winnie Chiu, PDSM, PMSM assumed office



*Sixth Ombudsman*
*Ms Winnie Chiu, PDSM, PMSM*

## 2020

### December

- Presentation Ceremony of The Ombudsman's Awards was broadcast online for the first time
- Press Conference was live-streamed entirely through social media



# The Ombudsman's Review




The profound impact of COVID-19 on all quarters of the community was evident throughout the past year. Public service was disrupted as the government imposed various social distancing and control measures. Alongside the introduction of special work arrangements by government departments and public organisations, COVID-19 also called for special public services and modes of delivery, thus spurring a spate of complaints about maladministration relating to issues such as delay in and suspension of public services, closure of public facilities, granting of subsidies, environmental hygiene, as well as slow response to enquiries and complaints.

From the inquiry and investigation of these complaints, we find that effective public communication by government and public bodies is crucial. Dissemination of clear and timely information about changes to public service is vital to managing public expectation and boosting public confidence. It also enables people to make alternative plans as early as possible. Public service providers need to be agile and flexible to adjust their services in light of the changing circumstances and the lessons learnt on the way. Various government departments and public organisations have evidently made huge efforts in adapting to the "new normal". There is plenty of food for thought on the need to build organisational capacity and resilience in these challenging times.



On our part, we strived to maintain services to the public while minimising social contact. Special work arrangements including "work-from-home" by rotation were implemented in our Office to balance the need for business continuity and infection control. While we limited in-person visits to our Office by requiring prior appointment, we encouraged the public to contact us through other means, such as e-mails or telephone. The fact that we received 29,814 complaints this year demonstrated the importance of the Office of The Ombudsman in serving as an independent complaint channel accessible to the public during this difficult time. Even discounting the portion of topical complaints relating to the same issue or incident, the number of normal complaints received was 4,659, which was comparable to those of previous years.

It took the organisations under complaint much longer time to respond to our investigations. We came under considerable pressure to meet our performance pledges for complaint handling. To expedite case processing, we proactively identified suitable cases for mediation, though this was logistically more difficult as many public officers were working from home. Nonetheless, our re-doubled efforts eventually culminated in a highly satisfactory record of mediated cases, i.e. 179 for this extraordinary year. Despite all the practical challenges facing our staff, the Office managed to weather the storm and complete 30,021 complaint cases. We met almost all our performance pledges. We also kept up with the momentum of conducting direct investigation: by the end of the year, we concluded nine direct investigations and launched 12 new ones. In this light, I owe my staff a debt of gratitude for their commitment and *esprit de corps.*

The number of topical complaints registered for the year reached a record high of 25,155 and handling them did not only add to our workload but also work pressure as the emotions underpinning these complaints ran high. Public craving for information transparency continued to escalate, thereby giving rise to a record number of 110 cases involving the Code on Access to Information. Some of them were relating to legacies of last year's social incidents.

On a separate front, we relaxed our criteria and better defined the timeframes for re-assessing and reviewing concluded cases to address the needs of complainants persisting with their complaints. By so doing, we could take a fresh look at such cases and explain to the complainants our findings/ decisions in greater detail. Therefore, our re-assessed and reviewed cases reached 277 and 220 respectively. I was however gratified that the vast majority of our prior decisions made for these cases were confirmed to be solid and therefore upheld upon a comprehensive review with re-examination of evidence and/or further investigation. This was testimony to our quality of investigation. Yet, there were always occasional challenges to my decisions through legal means. In the year, there were a couple of complainants seeking to alter my decisions on their cases by way of judicial review, and also a few seeking civil damages against this Office or the responsible Case Officers. None of them was successful. We always stay alert to the need for a robust investigation process, a comprehensive analysis of evidence to produce plausible results and a clear exposition of our conclusions.

We have continued to promote a positive complaint culture. Our annual Ombudsman's Awards Presentation Ceremony in recognition of exemplary complaint handling and customer services went online for the first time this year, thanks to the collaboration with awardees to record the footage in separate sessions which enabled us to hold the Ceremony in a socially distanced way. Added to the annual Ombudsman's Awards was our increased issuance of written appreciation for public officers with exemplary actions in handling complaints and assisting with our investigations expediently. To promote our work and foster understanding among counterpart organisations, we also exchanged views on best practices for complaint handling by organising briefing sessions/seminars for them with the help of information technology.

2020/21 took this Office to the second year of the Five-year Strategic Plan, which was outlined in my Review last year. COVID-19 had imposed constraints on its implementation and in parallel prompted a re-think of our priorities in light of the need to enhance our organisational agility. On the whole, we were on track as planned and taking bold steps to boost our information technology infrastructure and widen the use of digital platform for promulgating our work and engaging members of the public. Our announcements on direct investigation cases were broadcast via Facebook and YouTube commencing 2020/21. More complaint investigation reports were published on our website to enhance transparency. We also rekindled our repertoire of promotional videos through broadcasting them on our YouTube channel.

To conclude another challenging year, I, together with colleagues of this Office, will continue to dedicate ourselves to promoting fair and accountable public administration through impartial and objective investigations. The invaluable support of all our stakeholders is also crucial to the Office in being robust and successful in serving the community.

**Winnie Chiu**
The Ombudsman
31 March 2021

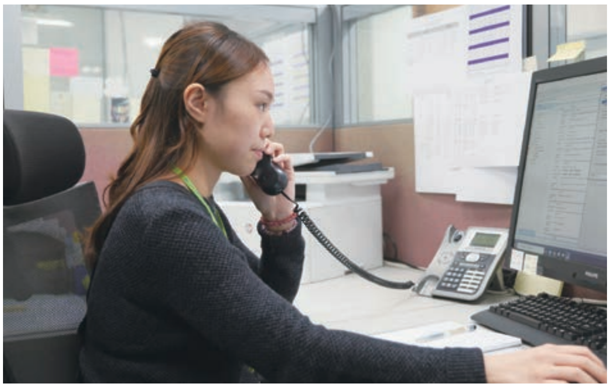


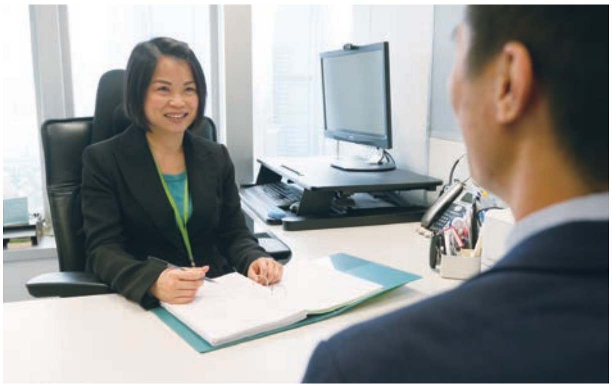


## Directorate

- Ms Winnie Chiu, The Ombudsman
- Mr K S So, Deputy Ombudsman
- Mr S H Chak, Assistant Ombudsman
- Ms Sara Tse, Assistant Ombudsman


申訴專員公署
OFFICE OF THE OM



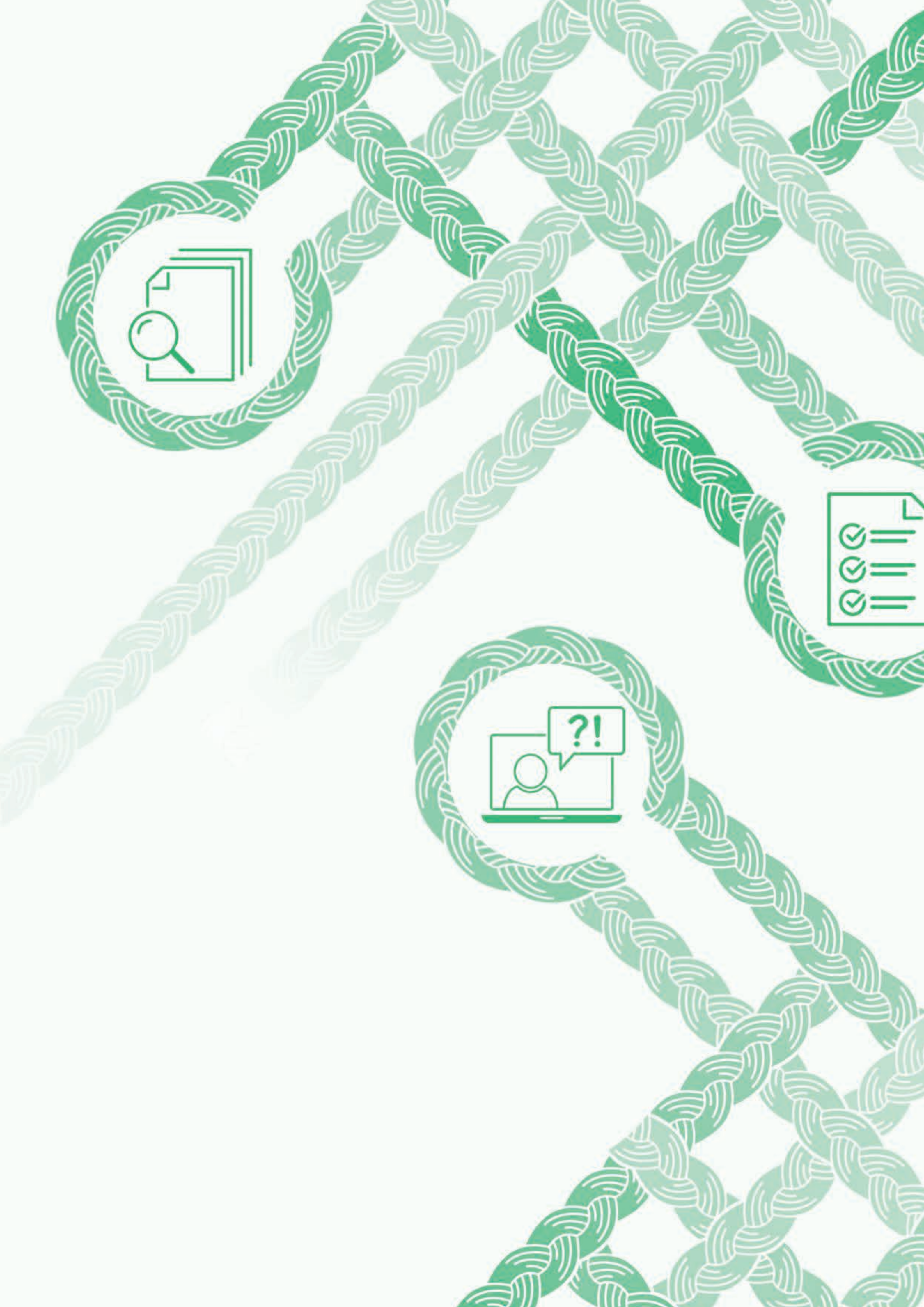







申訴專員公署
OFFICE OF THE OMBUDSMAN





# CHAPTERS

The Ombudsman, Hong Kong
Annual Report 2020/21

Chapter 1

# Functions and Powers

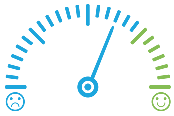
## Who we are:

Established under The Ombudsman Ordinance ("the Ordinance"), Cap. 397 of the Laws of Hong Kong, we serve as the community's independent watchdog of public administration

We



investigate complaints of maladministration



identify administrative deficiencies



recommend remedial measures to redress grievances and improve public administration

## What we do:



### Investigate **COMPLAINTS**

from aggrieved persons about maladministration (including non-compliance with the Code on Access to Information ("the Code"))



### Conduct **DIRECT INVESTIGATIONS**

into areas of suspected maladministration involving systemic problems or issues of significant public interest

by Government departments and public organisations listed in Part 1 and Part 2 of Schedule 1 to the Ordinance

(See **Annex 1** for full list)

## What we cannot investigate:

- complaints against organisations not listed in Schedule 1 to the Ordinance (e.g. Electoral Affairs Commission, Town Planning Board, district councils, etc.)
- complaints against organisations listed in Part 2 of Schedule 1 to the Ordinance (e.g. Police, ICAC, etc.) about matters unrelated to the Code
- complaints relating to
  - legal proceedings or prosecution decisions
  - contractual or other commercial transactions
  - personnel matters
  - impositions or variations of conditions of land grant

(See **Annex 2** for full list)

## We cannot pursue a case if:

- complainant has had knowledge of the subject of complaint for over two years
- complainant is anonymous, unidentifiable or untraceable
- complaint not made by person aggrieved
- statutory right of appeal or remedy by way of legal proceedings (except judicial review) is available to complainant

(See **Annex 2** for full list)

## What about complaints involving professional judgement?

- Not pursuable if the action or decision is based purely on professional judgement
- Pursuable if the action or decision also involves administrative actions or decisions, in which case the administrative aspect can be investigated

## What about policy matters?

We usually do NOT investigate complaints about actions taken fully in line with a policy which is made with proper authority following a due process

BUT if grave injustice appears to be involved in a policy, we may conduct an investigation and may urge the organisation concerned to conduct a review if the policy appears to be outdated

## The powers we have:

**INVESTIGATION**
conduct inquiries, obtain information and documents, summon witnesses and inspect premises of organisations under complaint

**CONCLUSION AND RECOMMENDATION**
decide on complaints and make recommendations

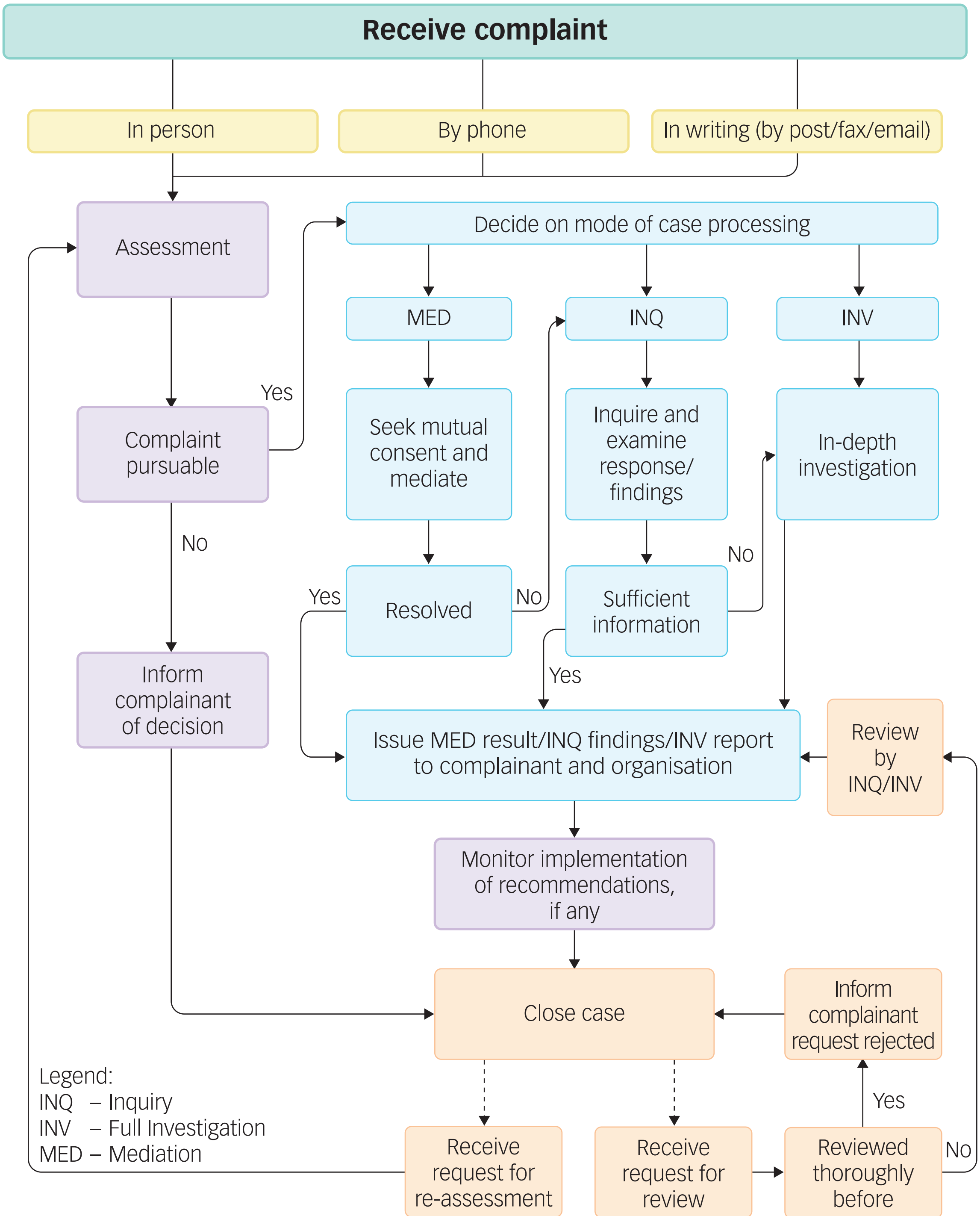
**REPORT**
report results of investigation to head of organisation or, if appropriate, to the Chief Executive

## How we maintain secrecy:

- The Ombudsman and all her staff and advisers are bound by the Ordinance to maintain secrecy for all matters of any complaint and investigation, and are liable to a fine and imprisonment in case of non-compliance

- The Ombudsman may in the public interest publish a report on any of her investigations without disclosing the names of the persons involved

## Flow Chart on Handling of a Complaint



# Glossary of Terms

### Maladministration
This is defined in The Ombudsman Ordinance. It basically means inefficient, bad or improper administration including unreasonable conduct; abuse of power or authority; unreasonable, unjust, oppressive or improperly discriminatory procedures and delay; discourtesy and lack of consideration for a person.

### Enquiry
An enquiry is a request for information or advice.

### Complaint
A complaint is a specific allegation of wrong doing, unreasonable action or defective decision or procedure which affects and aggrieves the complainant.

### Topical Complaints
These are complaints on a particular social or topical issue. They are essentially against the same action or decision by the organisation under complaint.

### Outside Jurisdiction
This refers to the situation where the action or organisation subject to complaint is not within The Ombudsman's jurisdiction under The Ombudsman Ordinance.

### Restrictions on Investigation
These are the restrictions on investigation under The Ombudsman Ordinance.

### Withdrawal of Complaint
This is a complainant's voluntary withdrawal of a complaint. However, depending on the nature or gravity of the allegations, The Ombudsman may still pursue the case.

### Consent from Complainant
To facilitate The Ombudsman's processing of a complaint, the complainant is required to give consent for: The Ombudsman to copy his/her complaint and any other information, including his/her personal data, to any party concerned; and any party concerned to provide the complainant's personal and other relevant information to The Ombudsman. The complainant may, by stating his/her wish clearly, withhold consent to the disclosure of his/her identity to the party under complaint. However, in this circumstance, The Ombudsman may not be able to process the complaint satisfactorily or at all.

## Mediation

This is a voluntary process carried out where the complainant and the organisation under complaint agree to discuss the complaint at a meeting or through the telephone, and to explore mutually acceptable solutions. Investigation officers from this Office act as impartial facilitators.

## Inquiry

This is the procedure we use to handle general complaint cases, with the aim to resolve complaints more speedily. We ask the organisation under complaint to respond to us and, if we see fit, the complainant in parallel. We will examine such response, and the complainant's views on it where applicable, together with any other relevant information or evidence we have collected. We will, in conclusion, present our findings to the complainant and make suggestions to the organisation for remedy or improvement where necessary. Where deeper and fuller probing is needed before we can conclude the case, we will start a full investigation.

## Full Investigation

This refers to an in-depth inquiry, usually into complex or serious complaints, with recommendations for improvement or remedy, where warranted, upon conclusion.

### Substantiated, Partially Substantiated and Unsubstantiated

These are classifications of the outcome of our full investigations reflecting the varying degrees of culpability of an organisation under complaint.

### Unsubstantiated but other Inadequacies Found

This is the classification of the outcome of our full investigation where a complainant's allegations are unsubstantiated but The Ombudsman discovers other aspects of significant maladministration.

### Inconclusive

We classify the outcome of our full investigation into a complaint or allegation as inconclusive where, on completion of the investigation, The Ombudsman is not prepared to determine whether the complaint or allegation is substantiated or not, because the evidence is conflicting, irreconcilable, incomplete or uncorroborated.

## Direct Investigation

This is an investigation initiated in the public interest even in the absence of complaint and generally on matters of a systemic nature or issues of community concern.

Chapter 2

# Direct Investigation

The Ombudsman may, of her own volition, initiate direct investigation ("DI") into areas of suspected maladministration usually involving systemic problems or issues of significant public interest. A DI may be prompted by significant topical issues of community concern or repeated complaints of particular matters.

## Preliminary Inquiry

Significant Community Concern



Repeated Complaints of Particular Matters



Before deciding whether or not to launch a DI into an issue, we normally will conduct a preliminary inquiry. In the process, we seek, on a confidential basis, information/explanations from the relevant organisation(s). If the inquiry points to the need for further study, we will launch a DI.

## Investigation Methodology

In general, we will publicly announce our commencement of DI and invite members of the public to provide information and views on the topic under investigation. Apart from seeking crucial information from the organisations concerned like we normally do for complaint investigation, we may, depending on the nature of the subject under study, invite views from relevant sectors and experts.



Discuss with the Organisation under Investigation



Seek Expert Advice



Invite Views from Public

We often discuss our observations and views with senior officers of the organisation(s) under investigation, at the outset as well as before conclusion. Such exchanges are useful in clarifying points of doubt and furthering insight into the issues.

## Publication of Reports

As empowered by the Ordinance, if The Ombudsman considers it to be in the public interest to do so, she may announce at media conferences or on our website the findings of our DIs.

Naturally, DIs may not all come to a conclusion that there is serious maladministration on the part of the organisation(s) concerned, and some organisations may have taken remedial/improvement measures in the course of our investigation. Nevertheless, the public would wish to know what we have done and what we have found. Hence, all our DI reports are published in one way or another.

During the year we completed nine DIs, with seven reports publicly announced at press conferences and the rest through press releases. The reports of all DIs were uploaded on our website. A full list of DIs completed during the year is in the table below.

In 2020/21,

We completed:
9 Direct Investigations

We made:
68 Recommendations

| | |
|---|---|
| OMB/DI/424 | Leisure and Cultural Services Department's Allocation of Swimming Lanes in Public Swimming Pools and Its Monitoring Mechanism |
| OMB/DI/428 | Effectiveness of Joint Office for Investigation of Water Seepage Complaints in Handling Water Seepage Reports |
| OMB/DI/430 | Monitoring of Outsourced Street Cleansing Services by Food and Environmental Hygiene Department |
| OMB/DI/433 | Utilisation of Low-charge Hospital Beds in Private Hospitals |
| OMB/DI/436 | Leisure and Cultural Services Department's Regulation of Public Coaching Activities at Public Swimming Pools |
| OMB/DI/437 | Arrangements for Production, Distribution, Stocktaking and Use of CSI Masks |
| OMB/DI/439 | Maintenance and Repair of Play and Fitness Equipment in Public Rental Housing Estates Managed by Housing Department |
| OMB/DI/440 | Government's Handling of Misconnection of Private Building Sewers to Stormwater Collection System |
| OMB/DI/442 | Government's Mechanism for Monitoring Vaccines Provided by Private Healthcare Facilities |

# Case Synopsis

(Full reports of all DI cases are available at www.ombudsman.hk)

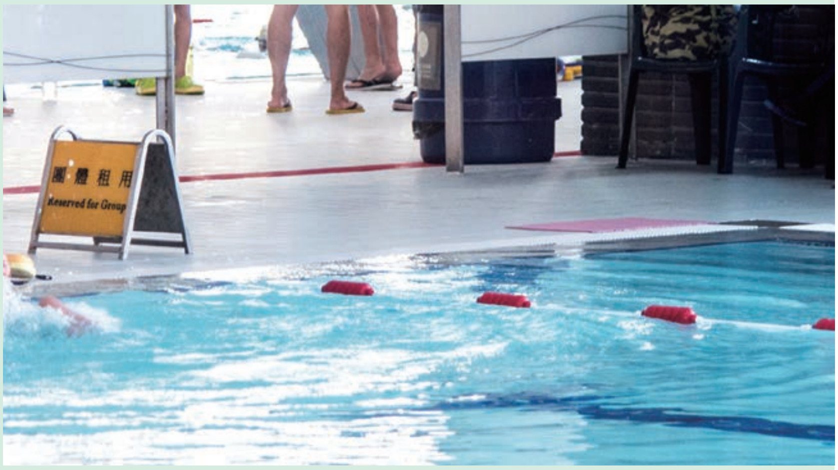
## Leisure and Cultural Services Department

Case No. OMB/DI/424 Completed on 7 July 2020

**Leisure and Cultural Services Department's Allocation of Swimming Lanes in Public Swimming Pools and Its Monitoring Mechanism**

### Our findings

The Leisure and Cultural Services Department ("LCSD") introduced the Central Line Allocation Scheme ("the Scheme") to coordinate the demands for main pool swimming lanes among relevant National Sports Associations ("NSAs") or swimming clubs, thereby providing stable venues for long-term training of swimmers. Our investigation revealed that LCSD had not defined clearly the use of the public swimming lanes allocated under the Scheme, and failed to monitor the allocation of swimming lanes by NSAs. LCSD has also failed to effectively verify whether swimming clubs have used the public swimming lanes for profit-making purposes. It has also been too lenient in accepting cancellation of bookings and took no control against unauthorised transfer of swimming lanes among swimming clubs.



### Recommendations

The Ombudsman made eight recommendations to LCSD in relation to the Scheme, including stipulating clearly the use of main pool swimming lanes allocated; stringently reviewing the number of lane hours allocated under the Scheme; considering establishing an independent panel/committee in collectively drawing up the allocation mechanism with members of the sector and stakeholders; exploring setting an upper limit on the number of swimming lanes to each swimming club; stepping up monitoring on swimming clubs, ensuring that all activities are non-profit making; imposing restrictions for cancellation of bookings of swimming lanes; devising a mechanism for cancellations of bookings of swimming lanes; and strengthening the regulatory efforts of unauthorised transfer of swimming lanes.

# Food and Environmental Hygiene Department and Buildings Department

Case No. OMB/DI/428    Completed on 14 December 2020

**Effectiveness of Joint Office for Investigation of Water Seepage Complaints in Handling Water Seepage Reports**

## Our findings

The Joint Office for Investigation of Water Seepage Complaints ("JO"), comprising staff from the Food and Environmental Hygiene Department ("FEHD") and Buildings Department ("BD"), is responsible for conducting investigation to identify the source of water seepage that causes hygiene nuisance and taking necessary enforcement action.

Our investigation revealed areas for improvement for JO, including its procedures for handling complaints, monitoring the work of its staff and consultants as well as its own organisational structure. Furthermore, as JO achieved a higher success rate in identifying the source of water seepage by using new testing technologies, it should use them more. It should also explore the introduction of mediation service.



## Recommendations

The Ombudsman made eight recommendations to JO including proactively clearing the backlog, reviewing and improving its workflow, exploring simplification of the consultants' investigation reports, exploring the reasons for prolonged time needed to complete actions and devising practicable reference/performance indicators for handling complicated cases, proactively considering using new testing technologies in more districts to conduct investigation, stepping up the monitoring of consultants and exploring the enhancement of penalty on them, proactively considering appointing a lead department and establishing a "case manager" system as well as implementing as early as possible the interim recommendations made by a review task force and exploring the introduction of mediation service.

## Food and Environmental Hygiene Department

Case No. OMB/DI/430    Completed on 27 October 2020

**Monitoring of Outsourced Street Cleansing Services by Food and Environmental Hygiene Department**

### Our findings

Since 2000, the Food and Environmental Hygiene Department ("FEHD") has been outsourcing street cleansing services to contractors through government tendering and contracting procedures. There have been public views that the previous practice of awarding contracts to the lowest bidder has led to inconsistent and varying service quality, and that FEHD's monitoring of outsourced contractors is inadequate.

Our investigation has revealed room for improvement in FEHD's management of outsourced street cleansing services, including its tendering mechanism, the Demerit Points System and its day-to-day monitoring work. The Department should implement measures to continuously improve street cleansing services.



### Recommendations

The Ombudsman made a total of ten recommendations to FEHD, including reviewing and further refining the tendering mechanism; exploring with the relevant policy bureau to improve the monitoring mechanism/measures on the performance of contractors; reviewing the mechanism for deducting monthly payment of service fee; reviewing the regulatory regime to monitor the overall performance of contractors; compiling and analysing complaint information; compiling a list of hotspots of complaints about street cleanliness and considering drawing up guidelines for targeted follow-up action.

## Food and Health Bureau, Department of Health and Hospital Authority

Case No. OMB/DI/433 Completed on 7 July 2020

**Utilisation of Low-charge Hospital Beds in Private Hospitals**

### Our findings

Two private hospitals in Hong Kong are required to comply with the land grant conditions and provide no less than 20% of their total beds as low-charge hospital beds. Our investigation revealed room for improvement in the Government's promotion of the use of low-charge beds as well as in the referral arrangements between the Hospital Authority ("HA") and the two private hospitals during influenza surges. Besides, we consider that even though Government would require private hospitals to provide service packages instead of low-charge beds, it should keep observing and reviewing the policy of low-charge beds.



### Recommendations

The Ombudsman made nine recommendations to the Food and Health Bureau, Department of Health and HA, including exploring ways to better utilise low-charge beds and reviewing the relevant policy; enhancing the publicity of low-charge beds; exploring other means to make low-charge beds more appealing; reviewing and improving the arrangement of referring patients to low-charge beds during influenza surges, and exploring other feasible measures to better utilise the low-charge beds for diversion of public hospital patients to the private healthcare sector.

# Leisure and Cultural Services Department

Case No. OMB/DI/436 Completed on 7 July 2020

**Leisure and Cultural Services Department's Regulation of Public Coaching Activities at Public Swimming Pools**

## Our findings

The Leisure and Cultural Services Department ("LCSD") generally allows coaching activities, which must be carried out in an orderly manner, at the public swimming pools. The Department has designated public coaching areas at nine swimming pools to reduce nuisance caused to other swimmers by public coaching activities. Our investigation revealed that the nuisance problem caused by public coaching activities persisted. LCSD's monitoring and control measures of public coaching activities could be further improved.



## Recommendations

The Ombudsman made four recommendations to LCSD, including formulating a uniform and specific policy and mechanism regarding the designation of public coaching areas at public swimming pools; studying proactively the feasibility of designating public coaching areas at more public swimming pools; strengthening the management of public coaching areas with specific conditions for using those areas; and stepping up the collection and analysis of data on public coaching activities to facilitate the formulation of a policy and mechanism regarding the designation of public coaching areas and management measures for those areas.

# Correctional Services Department and Government Logistics Department

Case No. OMB/DI/437 Completed on 14 December 2020

**Arrangements for Production, Distribution, Stocktaking and Use of CSI Masks**

## Our findings

Since the outbreak of COVID-19 at the beginning of 2020, there had been an acute shortage in the supply of surgical masks. However, the surgical masks manufactured by the Correctional Services Department ("CSD"), known as "CSI masks", had been found in the market, thereby causing concerns about their misuse.

Our investigation revealed no loopholes in the overall arrangements from production to delivery of CSI masks by CSD, and from procurement to distribution of CSI masks by the Government Logistics Department ("GLD"). Nevertheless, we found inconsistencies in how user departments distributed CSI masks before the outbreak of COVID-19 and how they disposed of expired masks. While those practices did not breach the provisions under the Stores and Procurement Regulations on non-inventory items (as CSI masks are classified), they could increase the risk of CSI masks being misused or abused.

Moreover, we also found that some CSI masks were sold in open market early this year. Those masks were likely expired masks that should had been disposed of.



## Recommendations

The Ombudsman made seven recommendations to CSD and GLD, including that CSD should review its policy of accepting purchase orders for CSI masks in normal and contingency circumstances; GLD should draw up and issue to user bureaux and departments guidelines on distribution and management of personal protective equipment (including CSI masks), as well as monitoring the quantity used, in normal and contingency circumstances; and issue guidelines on proper disposal of expired masks to user bureaux and departments as soon as possible.

## Hong Kong Housing Authority and Housing Department

Case No. OMB/DI/439 Completed on 27 October 2020

**Maintenance and Repair of Play and Fitness Equipment in Public Rental Housing Estates Managed by Housing Department**

### Our findings

There are over 5,000 pieces of play and fitness equipment in public rental housing ("PRH") estates under the Hong Kong Housing Authority ("HKHA"). They are managed, maintained and repaired by the Housing Department ("HD"). Our investigation revealed that some equipment repair cases took months to complete and HD had not set time frames for every procedure, neither had it established any effective mechanism or system for monitoring the whole repair process. It can be seen in some cases that some frontline staff of PRH estates failed to identify accurately the condition of damaged equipment and potential safety risks. Moreover, certain contractors repeatedly delayed in carrying out simple equipment repair works. On the other hand, HD needs to gain a deeper understanding of the needs and comments of PRH residents on playground facilities.



### Recommendations

The Ombudsman made ten recommendations to HKHA and HD, including setting reasonable time frames for those equipment repairing procedures to be carried out by estate frontline staff; establishing an effective mechanism and specific measures for more stringent monitoring of the whole equipment repair process; strengthening the training of estate frontline staff and providing clear guidelines regarding inspections of play and fitness equipment; reviewing the existing system for monitoring and managing contractors; exploring ways to bring in more contractors; and introducing different methods to increase public participation in the design and procurement of play and fitness equipment.

# Buildings Department, Environmental Protection Department and Drainage Services Department

Case No. OMB/DI/440 Completed on 26 March 2021

**Government's Handling of Misconnection of Private Building Sewers to Stormwater Collection System**

## Our findings

According to the Environmental Protection Department ("EPD"), the misconnection of building sewers to the building or communal stormwater drainage system ("sewer misconnection") is one of the major pollution sources affecting the quality of Hong Kong coastal waters.

Our investigation revealed serious delay in the Buildings Department ("BD")'s handling of sewer misconnection cases. The reasons for delay included BD's ineffective monitoring mechanism, failure to initiate investigation swiftly and properly deploy manpower for handling cases, indecisiveness in taking enforcement action and lack of proactive assistance for "three-nil" buildings. Moreover, we also found that there were practical difficulties facing EPD in investigating sewer misconnection cases pursuant to the Water Pollution Control Ordinance, while the Drainage Services Department had properly performed its duties in investigating and referring sewer misconnection cases, as well as implementing mitigating measures.



## Recommendations

The Ombudsman made eight recommendations to BD and EPD, including that BD should draw up a schedule for backlog clearance, improve the mechanism for monitoring case progress and consider proactively referring sewer misconnection cases involving "three-nil" buildings to the Home Affairs Department; EPD should seek the Department of Justice's advice on the possibility of adducing circumstantial evidence for applying for warrants to enter the premises, and consider making legislative amendments to enhance its enforcement effectiveness.

# Food and Health Bureau, Department of Health and Customs and Excise Department

Case No. OMB/DI/442 Completed on 2 March 2021

**Government's Mechanism for Monitoring Vaccines Provided by Private Healthcare Facilities**

## Our findings

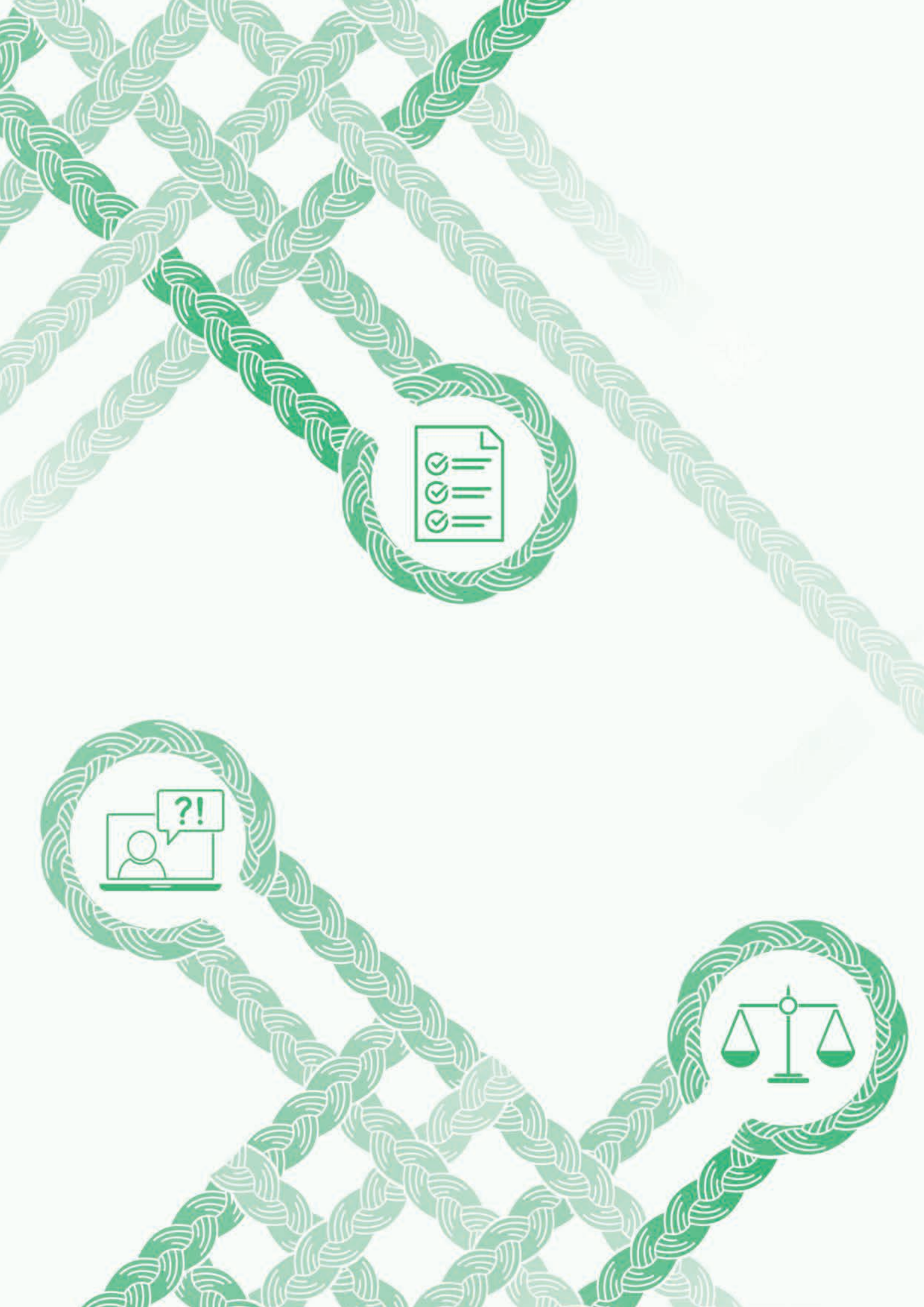
In mid-2019, the media reported that some private healthcare facilities ("PHFs") were suspected of providing defective nine-valent HPV vaccines. The Department of Health ("DH") and the Customs and Excise Department ("C&ED") uncovered counterfeit vaccines in them. This had aroused public concern over Government's monitoring of vaccines.

Our investigation revealed that a quite comprehensive monitoring mechanism was already in place for vaccines provided by PHFs which are less prone to parallel import or counterfeit, and DH and C&ED had taken prompt enforcement actions in the wake of the incidents and had implemented a number of strengthened monitoring measures. However, the authorities' monitoring mechanism for vaccines with excessive demand had been inadequate in the past. After the incidents, the authorities had also failed to proactively explain in detail to the public the Government's monitoring mechanism or the strengthened monitoring measures introduced.



## Recommendations

The Ombudsman made four recommendations to the Food and Health Bureau, DH and C&ED, including that the Bureau/Departments should keep a close watch on the effectiveness of the introduced strengthened monitoring measures, and make adjustments when necessary; include a pharmaceutical product's supply and demand as a risk assessment factor under DH's market surveillance mechanism; review the information dissemination mechanism – should serious incidents involving pharmaceutical products occur, they should promptly and proactively explain to the public their monitoring mechanism, actions taken and the improvement measures to be introduced; and enhance the transparency of information about newly introduced vaccines and proactively and timely provide the public with information about the new vaccines' safety, efficacy and supply.



Chapter 3

# Complaints

## Overview

With COVID-19 and the lingering effects of last year's social unrest, 2020–21 continued to be a challenging year for us.

In the year, we received a record-breaking 29,814 cases. Among them, there were 25,155 secondary cases in topical complaints which was also the historic high. Issues bringing in considerable amount of complaints this year included Government's alleged inaction against a tomb on Government land. We also received complaints about handling of COVID-19 and public service disruptions under COVID-19.

Further adding strain to our case processing were special work arrangement implemented in our Office intermittently throughout the year and longer responding time from the organisations under complaint. All these factors combined, we came under immense challenge to meet our performance pledges for complaint handling.

Despite the challenges, we completed processing 30,021 complaints overall, including 27,195 cases closed after assessment and 2,826 cases pursued and concluded.

### 2020–21 Highlights



**29,814**
**Total Complaints**



**Normal Complaints (excluding topical complaints)**
**4,659**



**Topical Complaints**
**25,155**



**Enquiries**
**7,505**

# Overall Complaints and Enquiries Processing

Total Complaints
**29,814**

over last year
**50.8%**

Enquiries
**7,505**

over last year
**12.5%**

During the year under report, we received 29,814 complaints, up by 50.8% over the 19,767 complaints received last year. A large portion of the complaints received belonged to topical complaints (25,155). Together with 899 complaints brought forward from last year, we had a total of 30,713 complaints for processing this year as compared to 20,737 last year. We also received 7,505 enquiries during the year which was fewer than 8,581 enquiries received last year.

## Mode of Lodging Complaints

Complaint by email continued to be the most popular mode of complaint, with 28,485 (95.5%) being lodged through this channel. Complaint through post remained the second most popular mode.

| By Email | By Post | In Person | By Fax | By Phone |
|---|---|---|---|---|
| **28,485** | **847** | **196** | **138** | **148** |

## Complaints Handled

We completed processing 30,021 (97.7%) of all cases received during the year and those brought forward from last year. Among the 30,021 cases processed, 2,826 were pursued and concluded and the rest 27,195 were closed after assessment.

The number of cases pursued and concluded 2,826 was similar to the 2,807 cases pursued and concluded last year. We noticed that among cases pursued and concluded, 220 (7.8%) were related to COVID-19. Key issues under complaint in relation to COVID-19 included granting of subsidies, public services disruptions, refund of hire/admission charges, quarantine arrangement etc.

The distribution of cases pursued and concluded by mode of handling was as follows.

| | | |
|---|---|---|
| By Inquiry | 87.8% | 2,480 Cases |
| By Full Investigation | 5.9% | 167 Cases |
| By Mediation | 6.3% | 179 Cases |
| Complaints Pursued and Concluded in Total | **100%** | **2,826 Cases** |

The rest of complaints handled (27,195) were closed after assessment due to the fact that there was insufficient ground to pursue the complaint (1,295, 4.8% among complaints assessed and closed), or for jurisdictional or legal restriction reasons (25,900, 95.2% among complaints assessed and closed). The number of complaints assessed and closed in 2020/21 was more than the 17,031 cases assessed and closed in 2019/20. An overwhelming majority of these complaints assessed and closed were topical complaints.

Detailed caseload statistics are given in **Annex 3**.

## Major Causes of Complaints

Based on allegations made by the complainants, the top five causes for complaints were:

- Ineffective control 82.2%
- Error, wrong advice/decision 7.0%
- Delay/inaction 2.8%
- Lack of response/reply 1.9%
- Others (e.g. unclear allegation, general criticism, opinion) 1.7%

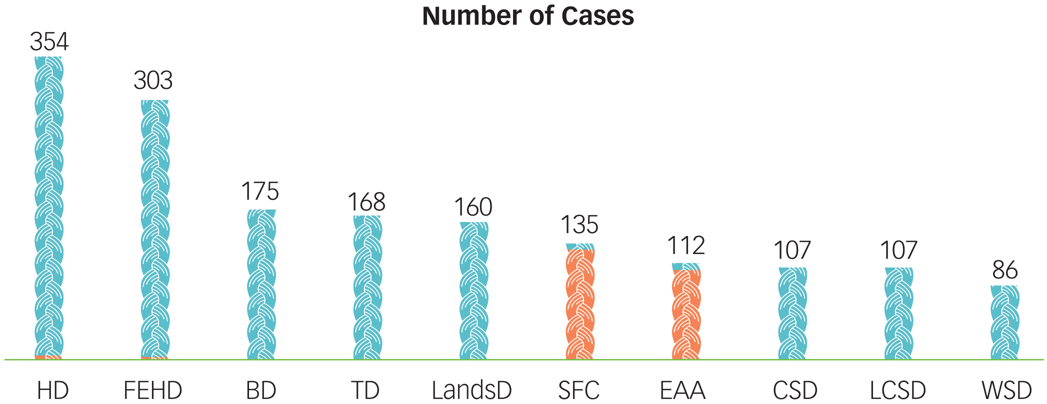
"Ineffective control" was the most common cause of complaint in 2020/21. Majority of the complaints under this category were topical complaints lodged in huge volume. Setting aside topical complaints, "error, wrong advice/decision" continued to be the most common cause of complaint.

- Error, wrong advice/decision 32.3%
- Ineffective control 15.3%
- Delay/inaction 14.7%
- Lack of response/reply 9.9%
- Others (e.g. unclear allegation, general criticism, opinion) 7.2%

## Major Targets of Complaint

The departments with the highest number of complaints pursued and concluded during the year are as follows:

**Number of Cases**




Note 1. "Complaints Pursued and Concluded" are cases handled by way of inquiry, full investigation or mediation.
Note 2. These top ten organisations accounted for 60.4% of the 2,826 complaints pursued and concluded.
Note 3. [icon] signifies topical complaints.

Detailed breakdown of complaints pursued and concluded and complaints received by organisations is at **Annex 4**.

### Achievement of Performance Pledges 2020/21

Under COVID-19, it took much longer for the organisations under complaint to respond to our investigations and inquiries. Our processing was also affected as special work arrangement was in place in our Office intermittently throughout the year. Overall processing time was inevitably affected despite that we had strived our best to maintain our service amidst COVID-19. While we were able to meet most of the targets of our service standard in processing of complaints, we only managed to conclude 98.1% of complaint cases within six months, missing the target by 0.9%.

| Complaints | Service Standard | Target | Achievement |
|---|---|---|---|
| Acknowledge receipt of a complaint | Within 5 working days | 99% | 99.9% |
| Close a complaint case after initial assessment due to jurisdictional restrictions | Within 10 working days | 90% | 99.4% |
| | Within 15 working days | 99% | 99.8% |
| Conclude a complaint case | Within 3 months | 80% | 82.2% |
| | Within 6 months | 99% | 98.1% |

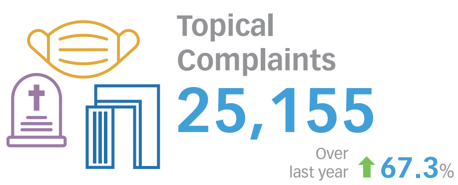
As for enquiries, our processing time was again affected by the special work arrangement. Overall, we were able to reply within 10 working days in 99% of written enquiries received.

| Enquiries | Service Standard | Target | Achievement |
|---|---|---|---|
| Reply to a written enquiry | Within 5 working days | 95% | 88.4% |
| | Within 10 working days | 99% | 99.0% |

## Topical Complaints and Normal Complaints

### Topical Complaints

This year, we received 25,155 secondary cases in topical cases, representing 67.3% increase from last year's (15,034).



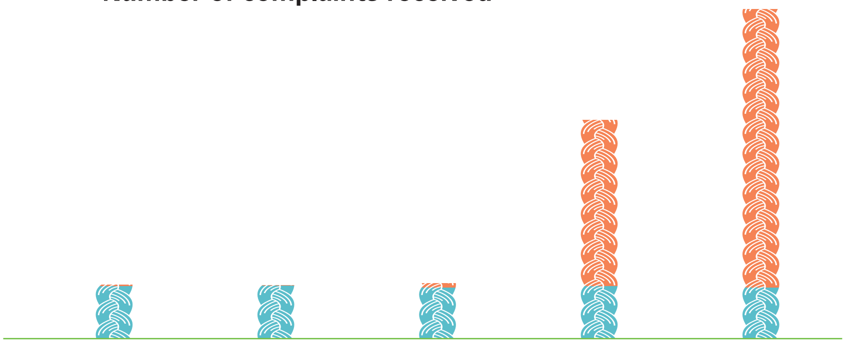

We took note of the public concerns reflected in topical cases. However, many of the topical complaints received had insufficient ground or had legal restrictions and we were unable to pursue them.

| Year | Number of secondary complaints received | Key groups of topical complaints (number of secondary cases) |
|---|---|---|
| 2016/17 | 74 | Transport Department's alleged unreasonable demand for a car manufacturer to remove some functionality from the visual display unit of a car (41)<br><br>Alleged change of policy of Agriculture, Fisheries and Conservation Department in approving applications for trail running events in country parks (18) |
| 2017/18 | 68 | Loss of a computer with personal information of voters by Registration and Electoral Office (25)<br><br>A proposed footbridge in a housing estate (13) |
| 2018/19 | 349 | Delay in provision of HPV vaccine (155)<br><br>An educational video concerning rebates offered by estate agents (150) |
| 2019/20 | 15,034 | Allowing domestic free television broadcasters to drop RTHK's programmes (3,808)<br><br>RTHK's reporting in a news programme (2,566) |
| 2020/21 | 25,155 | Inaction against a tomb illegally located on Government land (24,340)<br><br>Inaction against an alleged collective investment scheme (208)<br><br>RTHK's suspension and rescheduling of TV programmes (175) |

## Normal Complaints

As shown in the chart on p.40, the number of topical complaints received in 2020/21 has taken a further leap from last year's, thus bringing the total number of complaints received to a new height. However, setting topical complaints aside, the number of "normal complaints" (i.e. complaints received excluding secondary cases) received was actually on par with that of recent years.

**Number of complaints received**



| | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|---|---|---|---|---|---|
| Normal complaints | 4,788 | 4,761 | 4,642 | 4,733 | 4,659 |
| Topical complaints | 74 | 68 | 349 | 15,034 | 25,155 |
| **Total complaints received** | **4,862** | **4,829** | **4,991** | **19,767** | **29,814** |

Among the normal complaints received and with complaints carried over from last year, the Office had completed 4,866 normal cases and the number was on par with that of last year. Among them, 2,577 (53.0%) were pursued and concluded and 2,289 (47.0%) were assessed and closed since there was insufficient ground to pursue the complaint, or for jurisdictional or legal restriction reasons.

# Inquiry and Full Investigation

## Inquiry

The Ordinance provides that for the purposes of determining whether to undertake a full investigation, The Ombudsman may conduct such "preliminary inquiries" as she considers appropriate. In the interest of complainants, we often use this procedure to resolve complaint cases of a general nature more speedily, without unnecessarily resorting to the more time-consuming action of full investigation. For simplicity, we call this "inquiry".

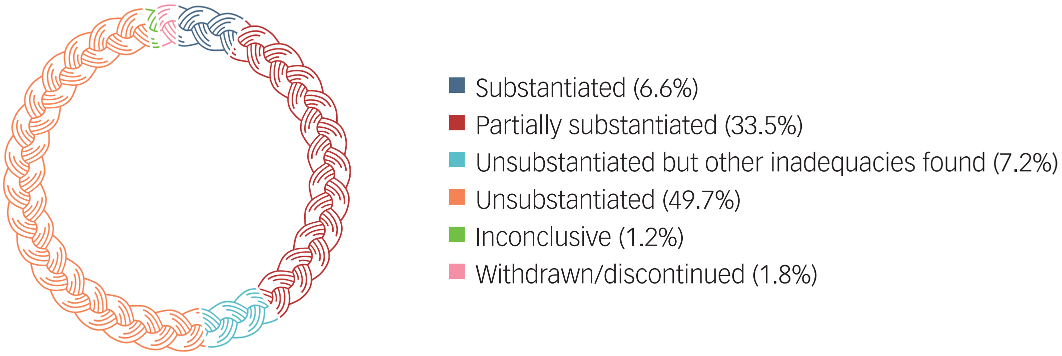
Among the 2,480 inquiry cases concluded, inadequacies or deficiencies were found in 357 (14.4%). Detailed statistics of complaints concluded by inquiry are given in **Annex 5**.

## Full Investigation

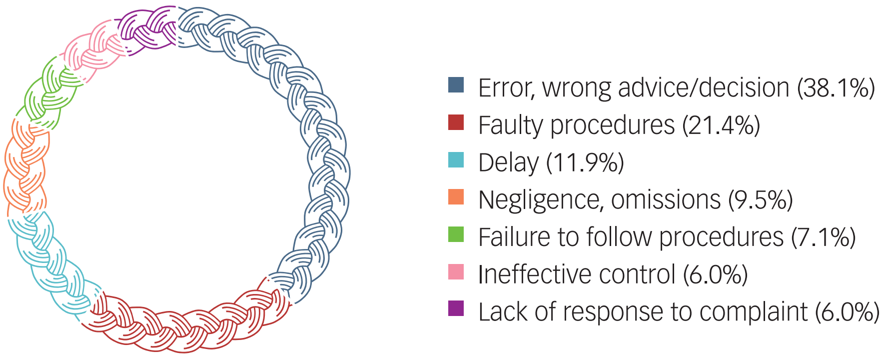
For complex cases which appear to involve issues of principle, serious maladministration, gross injustice, systemic flaws or procedural deficiencies, or simply require deeper and fuller probing, we will conduct a full investigation.

In the reporting year, we conducted 167 full investigations (including 3 secondary cases from topical complaints). 79 (47.3%) were substantiated, partially substantiated or unsubstantiated but with other inadequacies found. Various allegations were made in those complaints, including dissatisfaction about departments' errors, wrong decisions, ineffective controls and delays in handling cases or their procedural deficiencies.

## Results of Complaints Concluded by Full Investigation




## Forms of Maladministration Substantiated by Full Investigation




We made 126 recommendations on completion of the full investigations. Among them, 113 (89.7%) have been accepted by the departments/organisations for implementation and 13 (10.3%) were under consideration as at 31 March 2021.

Index of cases concluded by full investigation is at **Annex 6**.

Summaries of selected cases concluded by full investigation are as follows.

## Agriculture, Fisheries and Conservation Department

**Handling of wild pig nuisance in the Peak area**

The complainant alleged that the Agriculture, Fisheries and Conservation Department ("AFCD") has done very little to contain the population of wild pigs, particularly in the Peak area where he lives. Those wild pigs tried to get food from the household garbage and even ate flowers at lawns in residential estate. The complainant considered AFCD's action ineffective.

Our investigation revealed that the Government has adopted a multi-pronged and non-lethal approach to tackle the problem of wild pig nuisance. It is inevitable that wild pigs may appear at times in the Peak area as it is close to country parks. To address the problem, AFCD has taken appropriate actions to abate the wild pig nuisance in the Peak area, including eliminating food sources, educating the public not to feed wild animals, relocating wild pigs to countryside, advising the Food and Environmental Hygiene Department ("FEHD") to use wildlife-proof refuse bins to prevent raids by wild pigs, and joining operations with FEHD to combat animal feeding activities. Although wild pigs were still seen during AFCD's site visits there, they were more secretive than before. This suggests that the wild pigs in the area have been gradually reverting back to their natural instinct and staying away from human being. This process takes time. We urge AFCD to continue community education as well as its efforts with FEHD on combating animal feeding and improving refuse collection facilities.



**AFCD**
**Unsubstantiated**

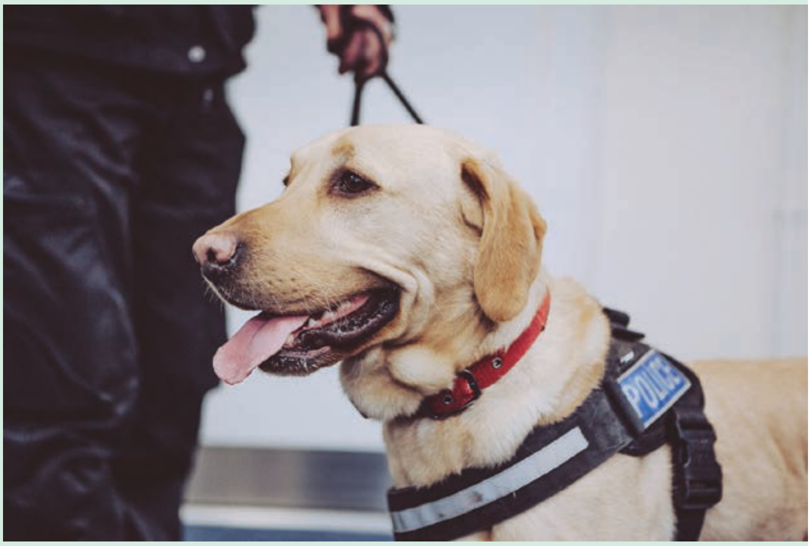
## Agriculture, Fisheries and Conservation Department

**Handling of a report on police officers' alleged violation of Prevention of Cruelty to Animals Ordinance**

The complainant made a report to the Agriculture, Fisheries and Conservation Department ("AFCD") alleging that police officers had violated the Prevention of Cruelty to Animals Ordinance ("the Ordinance") by sending a police dog to the scene where tear gas was used. The complainant was dissatisfied that AFCD accepted the Police's judgement without conducting any investigation.

Our investigation revealed that AFCD had examined the information gathered and found no evidence showing that the deployment of the police dog in question was wanton or unreasonable. Besides, AFCD's veterinary surgeon had examined the police dog and confirmed that it had no clinical symptoms of being unwell. Hence, when AFCD pointed out that there was no evidence showing that the deployment was in violation of the Ordinance, it was the Department's professional judgement made according to the circumstances of the case. AFCD did not simply accept whatever the Police had said.

From an administrative perspective, we consider that AFCD had followed up on the complainant's report in a timely manner and given the complainant a reply in accordance with the internal guidelines. However, AFCD's reply failed to explain the definition of cruelty to animals under the Ordinance, its follow-up action and the results and judgement. In our view, AFCD's reply did give an impression that it simply accepted whatever the Police had said without taking any follow-up action. We consider that AFCD should in future explain clearly the follow-up actions taken and the investigation result when handling reports from members of the public.




**AFCD**
**Partially substantiated**

## Airport Authority Hong Kong

**Measures taken to safeguard passengers' safety**

A large-scale public assembly had been staged at the Hong Kong International Airport between 9 and 13 August 2019. At 10 am of 9 August, the Airport Authority Hong Kong ("AA") activated the Airport Emergency Centre formed by AA, various Government departments and airlines for monitoring the situation and maintaining normal operation of the airport. On the night of 13 August, two Mainland passengers were assaulted and detained at the airport. The complainants called the police but allegedly AA refused police assistance. AA deployed staff and security personnel to the scene but failed to help the two passengers leave immediately. After repeated efforts, AA's staff and security personnel successfully escorted the ambulancemen to convey the two passengers to hospital for treatment.

Afterwards, the police confirmed that AA had not refused its assistance as opposed to the complainants' allegation.

AA had indeed taken measures proactively to assist the two passengers.



**AA**
**Unsubstantiated**

## Airport Authority Hong Kong

**Airport management and contingency measures taken to safeguard interests of passengers**

A large-scale public assembly was staged at the Hong Kong International Airport between 9 and 13 August 2019. As the situation deteriorated drastically on 12 August, the Airport Authority Hong Kong ("AA") instructed all flights to remain grounded. Therefore, the complainant was unable to take the flight as scheduled and then complained against AA for failing to properly manage the airport and adopt timely contingency measures.

Before the public assembly commenced, in addition to formulating coping measures, AA held a number of meetings with the Hong Kong Police Force and other Government departments to devise contingency measures, and then imposed access control at the Departures Hall permitting only holders of a valid air ticket or boarding pass for a flight in the next 24 hours and a valid passport to enter, managed crowds at the Arrivals Hall and activated the Airport Emergency Centre formed by AA, various Government departments and airlines for monitoring the situation and maintaining normal operation of the airport.

In the afternoon of 12 August, AA issued suspension notices for all flights after conducting a risk assessment, following clashes and obstruction at the Departures Hall and the passageways into the airport's restricted area.

Having obtained an interim injunction order from the court, AA immediately imposed access control on all entrances and exits of the entire Terminal Buildings from 2 pm on 14 August. Since then, the airport resumed normal operation.

AA had indeed adopted proper contingency measures to maintain normal operation of the airport and protect passengers' interests and safety. AA's issue of the suspension notices was understandable.




**AA**
**Unsubstantiated**

## Development Bureau

**Responsibility for preserving some heritage items**

The complainant noticed that the physical conditions of two Stone Tablets of Old Kowloon Customs ("the Stone Tablets") and the rock inscription "Mui Wai" ("Mui Wai"), both in Ma Wan, had deteriorated. She then contacted the Commissioner for Heritage's Office ("CHO") and the Antiquities and Monuments Office ("AMO"), both under the Development Bureau ("DEVB"), but was dissatisfied with their responses. She complained against CHO for refusing to assume responsibility for preserving the two heritage items and AMO for having wrongly assessed their conditions.

We found that the responsibility of maintaining and repairing the heritage items indeed rests with the Government departments concerned. The departments may seek AMO's advice regarding the items' conservation.

The Stone Tablets were situated on Government land under the management responsibility of the Lands Department ("LandsD"). AMO had rightly asked LandsD to follow up on the matter. Regarding "Mui Wai", AMO had also provided technical advice to the Leisure and Cultural Services Department, the responsible Government department, thereby discharging its duties.

We also found that the physical condition of the heritage items was assessed by professional conservators. While professional judgment is outside our purview, we had found no irregularities from the administrative perspective.

However, CHO failed to follow the established guideline in acknowledging the complainant's complaint in this incident, thereby giving rise to a procedural inadequacy.



**DEVB**
**Partially substantiated**

## Fire Services Department and Labour Department

**Delay in drawing up and publishing guideline and inadequate coordination**

In early April 2020, the complainant arranged his company's goods vehicle for the Fire Services Department's ("FSD") examination so as to renew its licence to convey Category 2 dangerous goods. FSD indicated that according to a new requirement lately introduced by it together with the Labour Department ("LD"), vehicles used for such purpose should not have the tail lift warning lights installed near the dangerous goods. FSD refused to renew the licence due to non-compliance with that requirement. Meanwhile, LD told the complainant that no relevant guideline was available.

Our investigation revealed that in late November 2019 FSD discussed the installation position of warning lights with LD and the Electrical and Mechanical Services Department to ensure compliance with the regulations on fire safety and occupational safety. Subsequently, LD failed to promptly revise its Guidance Notes on Prevention of Trapping Hazard of Tail Lifts ("the GN"), as well as inform the vehicle owners concerned of the proper position for installation of warning lights. Although FSD had found wrongly positioned warning lights during vehicle examinations, it did not alert LD as soon as possible and jointly review whether it was necessary to step up dissemination of information. As such, the complainant had to rectify the position of warning lights and have the goods vehicle re-examined before renewing its licence successfully. While the GN was being revised by LD, FSD issued separate guidelines for applicants for issuance/renewal of licences in response to this complaint. This also reflected the inadequate coordination and unclear demarcation of duties between the two departments.




**FSD**
**Partially substantiated**

**LD**
**Partially substantiated**

**Recommendations to LD**

- Complete the revision of the GN as soon as possible to inform the vehicle owners concerned of the revised requirement
- Expedite the review of other existing guidelines on occupational safety, liaise with relevant departments in case of any inconsistencies with the licensing requirements of other departments, make revisions and inform the parties affected, and take interim measures where necessary to ensure public awareness of such requirements

## Food and Environmental Hygiene Department

**Failing to resolve the obstruction problem caused by illegal extension of fruit and vegetable shops**

The complainant complained against the Food and Environmental Hygiene Department ("FEHD") for failing to resolve the obstruction problem ("the Problem") caused by illegal extension of many fruit and vegetable shops at the ground level of a private housing estate where he resided.

FEHD explained that it had taken enforcement actions to combat the Problem, including instigating prosecutions against obstruction, littering and illegal hawking. Between January and September 2020, on average, FEHD issued 10 fixed-penalty notices to 10 odd shops for obstruction, and took 6 arrest actions against illegal hawking each month. FEHD, however, admitted that the Problem had persisted.

Our inspections in September and November confirmed that the Problem remained. FEHD's enforcement actions taken against the Problem before October 2020 were far from effective. We considered that FEHD should have taken more stringent enforcement actions to maximise the deterrent effect.

We noted that FEHD had stepped up its enforcement actions by conducting more operations and taking more prosecution actions since October 2020.



**FEHD**
**Partially substantiated**

**Recommendation to FEHD**

- Continue to step up enforcement actions against offenders causing street obstruction and illegal hawking, including instigating prosecution and seizing the unclaimed articles more rigorously to resolve the Problem in a long-term manner

# Food and Environmental Hygiene Department and Lands Department

**Failing to regulate problem of cages of carton recycler occupying public places**

The complainant alleged that many recycling cages filled with paper cartons and refuse were placed on a carriageway and in the neighbourhood causing street obstruction and hygiene problems. Despite his complaints, the Food and Environmental Hygiene Department ("FEHD") and Lands Department ("LandsD") failed to resolve the problems.

Our site inspections revealed that an operator placed some recycling cages on the carriageway and filled a nearby alley, which is Government land, with furniture and miscellaneous articles, etc. and mounted a canopy above them, thus blocking the passageway.

We found that FEHD had only instigated two prosecutions against the operator which were not commensurate with the severity of the problem. Therefore, obstruction to scavenging operations had remained.

We considered LandsD to have followed up on the case according to its established procedures, but as the land administrator in Hong Kong, it is obligated to resolve the case of the operator's persistent occupation of the alley as opposed to mere referral to other departments.



**FEHD**
**Partially substantiated**

**LandsD**
**Unsubstantiated**

**Recommendation to FEHD**

- Increase the frequency of inspection and take decisive enforcement actions (including prosecution), and where necessary, take joint actions with relevant Government departments

**Recommendation to LandsD**

- Proactively explore ways to resolve the problem, e.g. installing metal bollards at the entrance/exit of the alley, and taking joint actions with relevant Government departments, where necessary

## Food and Environmental Hygiene Department, Lands Department and Highways Department

**Handling of construction materials/demolition materials placed on a pavement**

The complainant complained to 1823 that a huge amount of construction waste had been piled on a pavement and at a bus-stop nearby. 1823 referred the case to the Food and Environmental Hygiene Department ("FEHD"), Lands Department ("LandsD") and Highways Department ("HyD") for follow-up. The complainant alleged that the three departments had failed to take effective enforcement action against the problem and kept passing the buck.

Our investigation revealed that FEHD, LandsD and HyD held different views on the nature of the problem. FEHD and HyD thought that the articles involved were construction materials and LandsD should, therefore, first take action to post a statutory notice before removing any unclaimed articles upon the expiry of the notice. LandsD, however, held that such articles were construction and demolition materials (i.e. substances resulting from construction and demolition works), so HyD should remove them outright instead of asking LandsD to post a statutory notice. The problem was finally clarified through 1823's multiple referrals made to the departments concerned. In the end, the three departments conducted a joint operation to solve the problem in almost four months after receiving the complaint. Their lack of initiative gave the complainant an impression of passing the buck.




**FEHD**
**Partially substantiated**

**LandsD**
**Partially substantiated**

**HyD**
**Partially substantiated**

**Recommendation to FEHD, LandsD and HyD**

- FEHD, LandsD and HyD should approach a problem with grey area from the perspective of resolving it by way of proactive and early inter-departmental deliberation so as to eliminate differences in viewpoint and identify solutions as soon as possible

## Food and Health Bureau and Development Bureau

**Failing to invite tenders before engaging a contractor to build a quarantine centre in Penny's Bay**

The complainant complained against the Food and Health Bureau ("FHB") for failing to invite tenders before engaging a contractor to build a quarantine centre in Penny's Bay at the price of $190M. As there were other similar contractors in the market and the works involved huge profits, FHB's action of direct engagement had violated the Stores and Procurement Regulations ("the Regulations") which Government had to follow for procurement.

Our investigation revealed that Government faced an urgent need to build more quarantine facilities in a short period of time to combat the aggravating COVID-19 pandemic in early 2020. The schedule of the works was therefore very tight. Supported by FHB, the Development Bureau ("DEVB") and the relevant works departments applied for funding and prepared to commence the works. Having sought legal advice, Government initiated the process of direct engagement of a contractor in line with the requirements of the Regulations so that the quarantine centre could be completed the soonest possible. We considered FHB and DEVB's direct engagement without going through tendering procedures in this case justified and appropriate.



**FHB**
**Unsubstantiated**

**DEVB**
**Unsubstantiated**

## Immigration Department

**Handling of application for search of marriage records in Hong Kong and birth registration records by a newspaper journalist**

The complainant, a newspaper journalist, applied to the Immigration Department ("ImmD") for a search of marriage records in Hong Kong on 25 October 2019. ImmD staff informed her that there had been a change of practice for such record search since 16 October 2019. Applicants applying for a search of another person's marriage records in Hong Kong and birth registration records were required to obtain consent from the registered subject. Any applicant who could not produce a written authorisation of the registered subject would be required to provide ImmD with reasonable justification for consideration. The Complainant was dissatisfied that ImmD's new practice as it seriously undermined the public's right to know and press freedom. Moreover, complainant considered ImmD to have failed to explain the reason for change of practice and the purposes of establishing the two public registers, rendering applicants impossible to know whether their application was in line with the purposes of establishing the two public registers.

Our investigation revealed that ImmD, after seeking legal advice and having considered the growing misuse of public registers, decided that applications for marriage and birth registration records should be subject to vetting. From an administrative perspective, we consider the new arrangement not improper. However, ImmD did not announce the purposes of establishing the registers/registration records, rationale behind the new arrangement and its details, approving criteria/procedures, etc., before introducing the new arrangement. This was not in line with principles of good administration.



While press freedom and the public's right to know are certainly important, protection for personal privacy cannot be neglected either. As ImmD is in possession of personal data concerning the births, deaths and marriages of all residents, it is obliged to safeguard such data against abusive or unlawful use. Nevertheless, it was unsatisfactory to implement the new arrangement hastily when the relevant details had not been confirmed and announced. After review, ImmD admitted that there was room for improvement and announced details of the new arrangement on its website and application forms on 7 February 2020.

**ImmD**
**Partially substantiated**

**Recommendations to ImmD**

- Taking reference from this incident, ensure prompt announcement of details and rationale before introducing any new arrangements that will affect the public
- Consider implementing further administrative arrangement, under which ImmD should declare to the applicant who is not the data subject that the data subject may be notified of the record search application
- Consider reviewing the Births and Deaths Registration Ordinance and the Marriage Ordinance to keep up with the current social situation

## Immigration Department

**Handling of a request by newspaper journalists for search of marriage record of two persons and a certified copy of their marriage certificate**

The complainants were newspaper journalists. In July 2020, the complainant applied to the Immigration Department ("ImmD") in the capacity of journalist for searching the marriage record of two persons ("the Persons"). Despite it was clearly stated in the application the purpose of search and the intended usage of the copy, ImmD rejected the request. ImmD was not satisfied that the application was in line with the purpose of marriage records. The complainants considered that ImmD's handling was inconsistent with the current practice, and alleged that the indiscriminate rejection of applications for search of records by journalists constituted intentional obstruction to such applications by the media. The complainants were also dissatisfied that ImmD had neither asked them for supplementary information nor given them a chance for explanation before rejecting the application. Furthermore, the complainants accused ImmD of procedural injustice as it failed to provide any appeal channels.

Our investigation revealed that upon learning that the complainant was not the data subject, ImmD had already explained to her the existing arrangement for handling applications for search of the marriage records, given her the relevant notice and provided a supplementary information form. ImmD had also asked for further information for its consideration. ImmD rejected this application not solely because the complainant had failed to obtain the consent of the data subject, but also because the information the complainant provided was not sufficient to satisfy the Department that the purpose of her request was in line with that of the marriage records. The justifications provided were not sufficient for ImmD to invoke exemptions from the restrictions of the Data Protection Principles under the Personal Data (Privacy) Ordinance either. Besides, ImmD had put in place a review mechanism. In fact the complainant was told that she could provide further information and ask the Department to reconsider her application. However, the website of ImmD did not contain relevant information.

We were of the view that ImmD had followed its current arrangement in handling the application. There was no evidence to show that ImmD intentionally obstructed search of records by the media, or non-compliance with current arrangement. However, this Office opined that good public administration should be built on the principles of fairness, openness and transparency. To facilitate applicants in providing the required information, ImmD should make reference from actual cases and provide applicants with concrete examples to show what would constitute sufficient justifications and acceptable documents to support their applications. In the long run, ImmD should consider formulating relevant guidelines for applicants' reference. The guidelines would also serve as more lucid basis for its staff to assess applications and determine whether individual applications should be approved.



**ImmD**

**Unsubstantiated**

### Recommendations to ImmD

- Make reference from actual cases and provide applicants with concrete examples to show what would constitute sufficient justifications and acceptable documents to support their applications. In the long run, ImmD should consider formulating relevant guidelines for reference by applicants and its staff

- Provide information on its website or other platforms about its review mechanism in order to enhance transparency

## Lands Department

**Failing to take enforcement action against occupation of Government land**

The complainant complained against the Lands Department ("LandsD") for failing to take enforcement action against occupation of Government land despite his repeated complaints lodged with LandsD.

LandsD explained that the Government land concerned is surrounded by mountain and private lands. LandsD had posted notices in the area requesting the owners of the private lands to contact LandsD, but in vain.

Our investigation revealed that LandsD had not taken other substantive actions after failing to get in contact with the owners of the private lands concerned. LandsD had only repeatedly posted notices in the area but had not tried to gain access to the Government land concerned by other means at an earlier stage. After the commencement of our investigation, LandsD finally opened a path on the mountainside to enter the Government land and took enforcement action. We consider it far from proactive.




**LandsD**
**Substantiated**

**Recommendation to LandsD**

- Revise its work guidelines for dealing with occupation of Government land surrounded by private land(s) so as to avoid undermining the efficiency and effectiveness of its enforcement action

## Post Office

**Conveyance of air mail during the coronavirus pandemic**

Allegedly, the complainant posted an airmail item to his daughter in Australia in March 2020. However, the item was conveyed by surface as airmail service to Australia had been suspended. The complainant was dissatisfied with the Post Office ("PO") for unreasonably changing the conveyance method. Moreover, conveyance by surface would cause a serious delay.

Due to the pandemic, many countries, including Australia, had imposed travel restrictions which dealt a severe blow to the aviation industry. Our investigation found that airlines did not only reduce the number of flights, but had also suspended some routes at very short notice. Air allotment available dropped significantly. To address the problem, PO had explored every possible means to obtain extra air allotment to meet the rising demand for airmail service and to clear the backlog of airmail items. However, all efforts went futile. In fact, postal administrations around the world faced the same problem. The Universal Postal Union ("UPU") is aware of the situation and advised its members to make use of surface network for sending mail items across borders. Given the uncertainty of air service worldwide during that period and UPU's advice, we consider it reasonable of PO to have resorted to sea conveyance.

During the investigation we noted from its press releases that PO often gives a generic description of time delay for postal service. We consider it more desirable if PO could provide the public with more specific information on estimated delay time for different regions such that senders can make better informed decisions, and at the same time PO can manage client expectations.




**PO**
**Unsubstantiated**

**Recommendation to PO**

- Provide the public with more specific information on estimated delay time for different regions such that senders can make better informed decisions

## Social Welfare Department

**Monitoring of Residential Care Home for the Elderly**

The complainant complained to the Social Welfare Department ("SWD") against a residential care home for the elderly for having breached the Code of Practice for Residential Care Homes (Elderly Persons) ("the CoP"), including unreasonably and suddenly increasing home fees, physically abusing a resident and operating without a licence.

Our investigation found that, SWD had followed up on the complaint by conducting investigations and liaising with the police regarding the suspected physical abuse incident, as well as issuing to the care home directions for improvements upon identifying its non-compliance with the CoP.




However, we considered that while SWD was investigating the dispute of home fees between the complainant and the care home, its conclusion on whether they had signed an agreement on admission to the care home was premature and unconvincing.

**SWD**
**Partially substantiated**

**Recommendations to SWD**

- Coach staff by taking reference from this case and avoid making a premature conclusion through conducting investigation carefully in case of a dispute on facts between the two parties

- Step up inspecting the care home to ensure its compliance with SWD's above directions and stringently adhere to the CoP, thereby safeguarding the interests of residents

## Transport Department

**Inadequate procedures for application for Certificate of Particulars of Motor Vehicle**

The complainant complained against the Transport Department ("TD") for issuing a Certificate of Particulars of Motor Vehicle ("the Certificate") concerning his vehicle without his authorisation thereby releasing to a third party his personal particulars.

TD explained that the Road Traffic (Registration and Licensing of Vehicles) Regulations stipulate that the Commissioner for Transport shall supply the Certificates to applicants upon payment of the prescribed application fee. TD would refer suspected cases of illegal use of personal particulars obtained from the Certificates to enforcement authorities or organisations for investigation and follow-up actions.

Since August 2019, TD has been examining the procedures for applications for the Certificate and exchanging views with relevant departments and organisations on how protection of personal particulars of registered vehicle owners could be stepped up.

We considered that the prevailing legal framework does not allow TD to adopt excessive administrative measures to impose restrictions on applications for the Certificate. The complaint was therefore unsubstantiated. As the society has in general become more conscious about personal privacy, we considered that in the long run TD should conduct a comprehensive review on relevant legislation and the application procedures for the Certificate giving due consideration to the needs of different stakeholders. Besides, we made several recommendations to TD.



**TD**
**Unsubstantiated**

**Recommendations to TD**

- Show only part of the vehicle owner's ID Card number on the Certificates
- Notifying registered vehicle owners the information relating to the Certificate issued against their vehicle can be done by electronic means
- Change the vehicle registration mark for those registered vehicle owners whose personal particulars are maliciously disclosed or who are disturbed because of issuance of the Certificate

## Water Supplies Department

**Complaints concerning an incident of anomaly in drinking water quality in a housing estate**

The complainants alleged that the fresh water of a housing estate (“the Estate") was discoloured with black particles after the Water Supplies Department (“WSD”) rearranged the water distribution network in the district on a day in 2019. Water supply to the Estate was subsequently suspended, during which WSD deployed water wagons. WSD then supplied water to the Estate through temporary main, but not through the original Government water main, to the Estate’s internal plumbing system (“IPS”).

Our investigation revealed that WSD had flushed the Government water main until observing that the water was clear while rearranging the water distribution network as the Department had done in similar cases before. However, sediment like bitumen was still found in the Estate’s fresh water. WSD had tried various ways to find out the reasons and would repair the relevant Government water main. WSD also explained that initial test results showed that bitumen entering the human body via fresh water would not affect water safety or our health. Since the IPS of the Estate was complicated, WSD needed time to formulate proposals for resumption of the original water supply route.

We considered that WSD had by and large properly followed up matters arising from the incident in accordance with the Department’s established procedures. That said, we noticed that WSD had incorrectly stated that water was suspended in the Estate because the residents needed to repair the waterpipes. As water suspension has serious impact on residents, we suggested WSD to assist the Estate in improving its IPS.



**WSD**
**Partially substantiated**

**Recommendations to WSD**

- Make suitable suggestions to the Owners’ Committee and management company of the Estate for improvement of its IPS

- Complete quickly investigation into the reasons why sediment entered the IPS of the Estate

## Re-assessment of Cases and Review of Cases

During the year we re-assessed 277 cases, with 118 cases subsequently re-opened. Moreover, we conducted review for 220 cases. The original conclusion was varied in 1 case after review and upheld for the remaining 219 cases.

## Judicial Review and Litigation

A complainant not satisfied with our conclusion may, apart from requesting a review by this Office, seek a judicial review by the court. During the year, 3 litigation cases against The Ombudsman were heard by the Court with judgments handed down. All were dismissed by the Court.

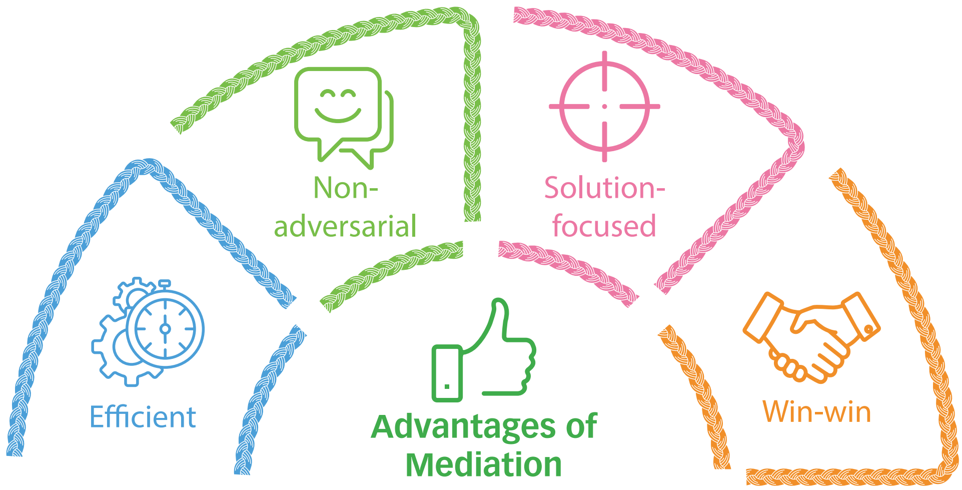
### Litigation cases concluded

| Brief description of the litigation case | Result |
|---|---|
| A complainant accused this Office of violating the Disability Discrimination Ordinance as four of his complaints against the Equal Opportunities Commission were either not taken up or concluded as unsubstantiated. | • The case was heard in April 2019 by the District Court and the Claim was struck out with costs to The Ombudsman.<br>• Claimant's application for leave to appeal against the Court's decision was dismissed in August 2020 with costs to The Ombudsman. |
| A complainant who had complained against the Complaints against Police Office for violating the Code on Access to Information applied for leave to apply for judicial review against The Ombudsman's decision on the complaint case. | The case was heard in June 2020 in the Court of First Instance and the application was refused with costs to The Ombudsman. |
| A complainant who had complained against the Housing Department and Social Welfare Department about an application for transfer to another public rental housing unit together with her husband applied for leave to apply for judicial review against The Ombudsman's decision on the complaint case. | The case was heard in February 2021 in the Court of First Instance and the application was refused. |

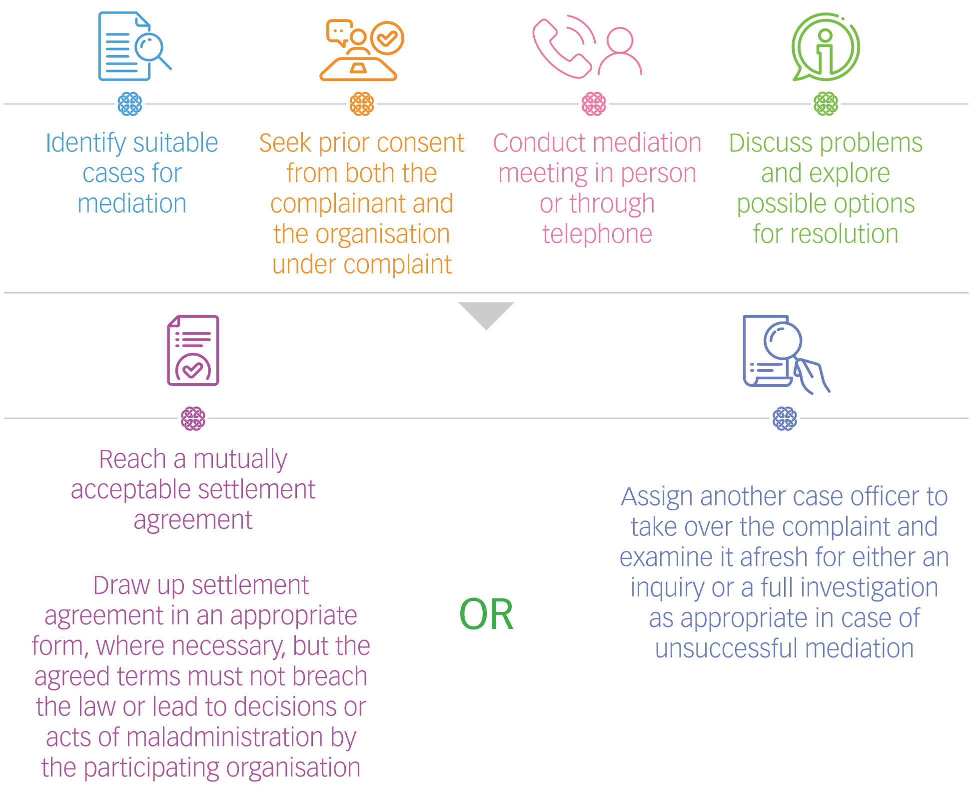
# Mediation

## What is Mediation?

Mediation is an efficient means of alternative dispute resolution aiming at resolving complaints involving minor or no maladministration.

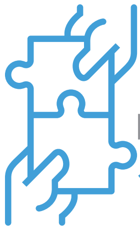



## Procedures of Mediation



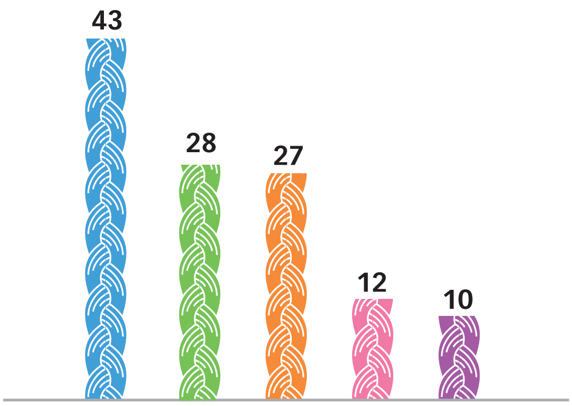
## Our Performance

"Work-from-home" arrangements arising from COVID-19 no doubt posed logistical challenges to the conduct of mediation. Yet, we remained committed to identifying suitable cases for mediation to expedite case processing. With our tireless efforts, the number of cases concluded by mediation climbed from an annual average of 116 between 2011/12 and 2018/19 and from 149 in 2019/20 to 179 cases in 2020/21, representing 6.3% of the total number of cases pursued and concluded in the year.



**Mediation**
**179** cases

### Top Five Organisations with successfully mediated cases (2020/21)




- **43** Housing Department
- **28** Buildings Department
- **27** Food and Environmental Hygiene Department
- **12** Education Bureau
- **10** Leisure and Cultural Services Department

The Chief Secretary for Administration's Private Office and the West Kowloon Cultural District Authority participated for the first time. The top three organisations with the largest number of successfully mediated cases were the Housing Department ("HD") (43 cases, 24%), the Buildings Department ("BD") (28 cases, 15.6%) and the Food and Environmental Hygiene Department (27 cases, 15.1%).

Among all the participating organisations, HD has consistently achieved the highest number of successfully mediated cases in recent years. Most of them concerned estate management issues such as noise nuisance, maintenance and water dripping from air-conditioners. We are pleased to see HD's continuing and proactive attitude towards mediation by taking prompt follow-up actions to address the specific matters raised in each case. With the joint efforts of HD and our Office, mediation has proven to be an effective and viable means to resolve complaints about estate management issues amicably.

BD is another organisation with encouraging results in 2020/21. Many of its mediation cases related to issues of unauthorised building works, dilapidated buildings and water seepage reported to the Joint Office for Investigation of Water Seepage Complaints. During the course of mediation, BD provided clear explanations of its enforcement policy, procedures and investigation techniques and offered pragmatic solutions. This greatly facilitated the complainants to understand the matters involved, thereby resolving the disputes ultimately with positive outcomes.

In view of the outbreak of the COVID-19 pandemic since early 2020, the Government has implemented special work arrangements, resulting in temporary and intermittent suspension of public services. Against this background, we received numerous COVID-19 related complaints against various departments covering such matters as improper handling of applications for subsidy/one-off grant under the Anti-epidemic Fund, unreasonable temporary closure of service counters of departments, inefficient refund arrangement on the booking of cultural and leisure venues, as well as delay in response to enquiries and complaints. We considered such complaints suitable for and succeeded in resolving some through mediation. This accounted for the relatively high number of cases concluded by mediation this year. In all these cases, the participating organisations responded expediently to the complainants' concerns and took effective follow-up actions to resolve the disputes.

Compared with inquiry and full investigation, mediation is a speedier avenue to complaint resolution with much shorter processing time, i.e. around 12 days on average in 2020/21. Of the successfully mediated cases in the year, over 56% and 93% were resolved within 10 days and less than one month respectively.

## Nature of Successfully Mediated Cases (2020/21)




- Delay/inaction (30.7%)
- Error, wrong advice/decision (23.9%)
- Ineffective control (15.6%)
- Lack of response to complaint (15.6%)
- Failure to follow procedures (4.4%)
- Faulty procedures (2.9%)
- Negligence, omissions (2.4%)
- Poor staff attitude (1.5%)
- Others (1.5%)
- Disparity in treatment, unfairness (1%)
- Abuse of power (0.5%)

Note: A case may have more than one nature.

## Compliments

On successful conclusion of mediation cases, we issued questionnaires to the complainants and participating organisations for their feedback. Over 88% of the respondent complainants and almost all of the participating organisations had positive impression of our mediation service and most of them were satisfied with the performance of our mediators.

時間方面好迅速，令我舒暢心懷。謝謝。

用心做事，當自己是當事人。

More mediation services are suggested.

希望貴署能增加調解服務去處理一般投訴，以便能夠提升各方面的工作效率。

Would like to suggest this office to promote further to the public in Hong Kong. Really appreciate the help.

調解員主動解釋選項，極之清晰，調解過程順暢完成，值得讚賞。

態度正面，措辭恰到好處，適當時候才發言，表現專業。

某些個案可能只是投訴人與部門之間溝通上有誤解，透過調解可更有效、簡單加強雙方溝通，從而省卻書面調查的相關工作。

非常感謝貴署職員主動聯絡本人了解投訴詳情，及在完成後再次聯絡本人解釋結果，實在非常難得。

親自跟進、態度誠懇、負責任。

非常用心和努力，致使調解最後能達致成功。

調解服務可幫助識別投訴人的要求，繼而有效地找出投訴人接受的可行解決問題的方案。

非常快速處理，亦達到我預期之進度，調解也很好，可避免因誤會而擴大事件，值得一讚，謝謝!

調解員專業地令今次事件告一段落，本人已得到預期的答覆。

# Award on Mediation

To acknowledge the participating organisations' commitment to and excellence in mediation, we have introduced an Award on Mediation in The Ombudsman's Award since 2018.

### 2018
### Housing Department

For proactive attitude towards our invitation to mediation.

### 2019
### Food and Environmental Hygiene Department

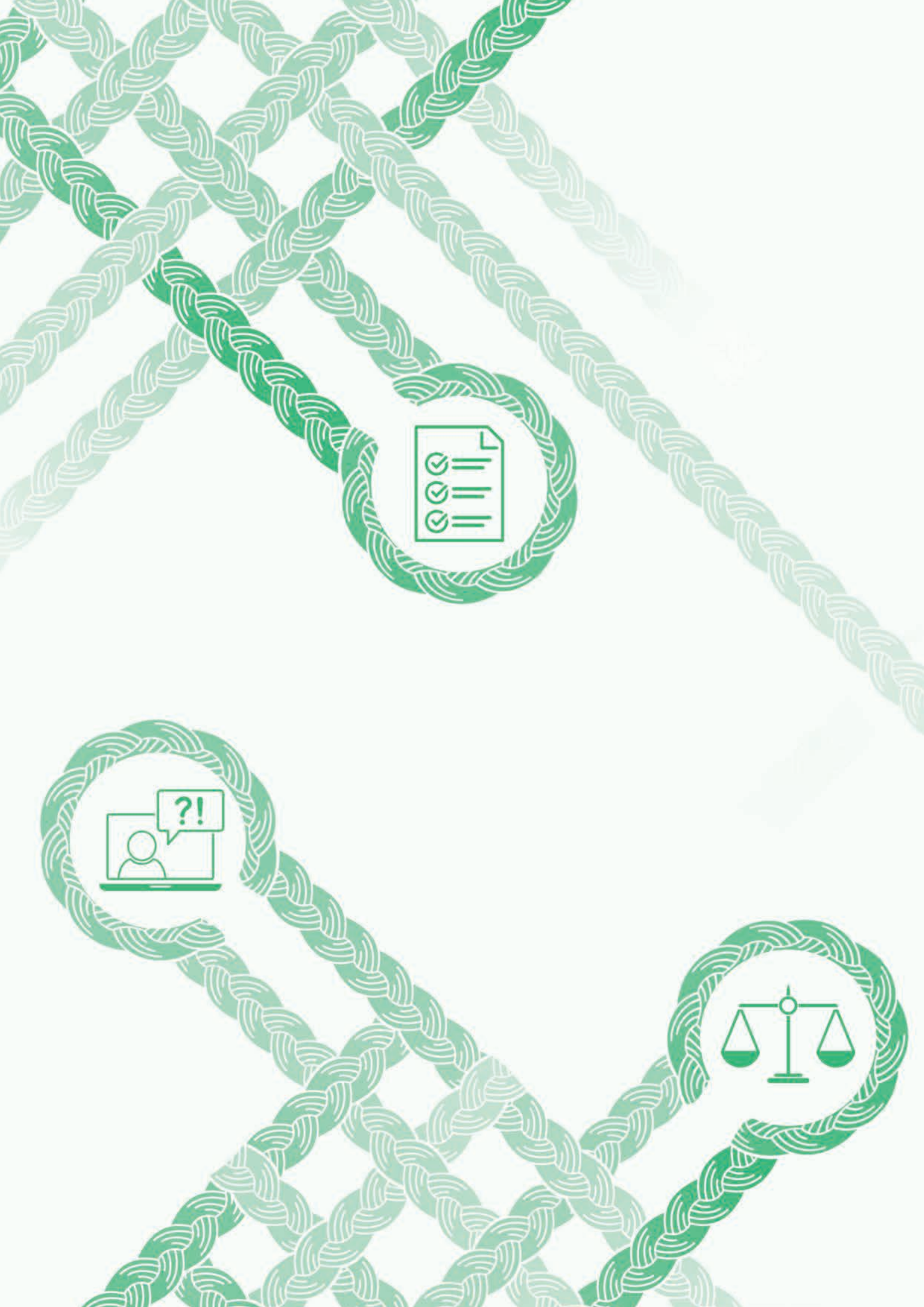
For adopting a pragmatic approach in exploring win-win solutions by jointly resolving problems with the complainants.

### 2020
### Working Family and Student Financial Assistance Agency

For swiftly responding to the complainants' concerns and providing pragmatic and constructive suggestions for complaint resolution in the face of a remarkable increase in complaint cases in the respective financial year (from only one case in 2018/19 to 25 in 2019/20).





Chapter 5

# Access to Information

One of our functions is to investigate complaints on non-compliance with the Code on Access to Information ("the Code") by all Government departments and public bodies covered by the Code.

## Transparent Government

The Code is a set of administrative guidelines adopted by the Government under which all Government departments and public bodies covered by the Code are required to make available to the public information they hold, unless there is a reason specified by the Code to withhold it. The Code aims at informing the public about the Government, its services and the basis for policies and decisions that affect individuals and the community as a whole.

## Complaints on Access to Information

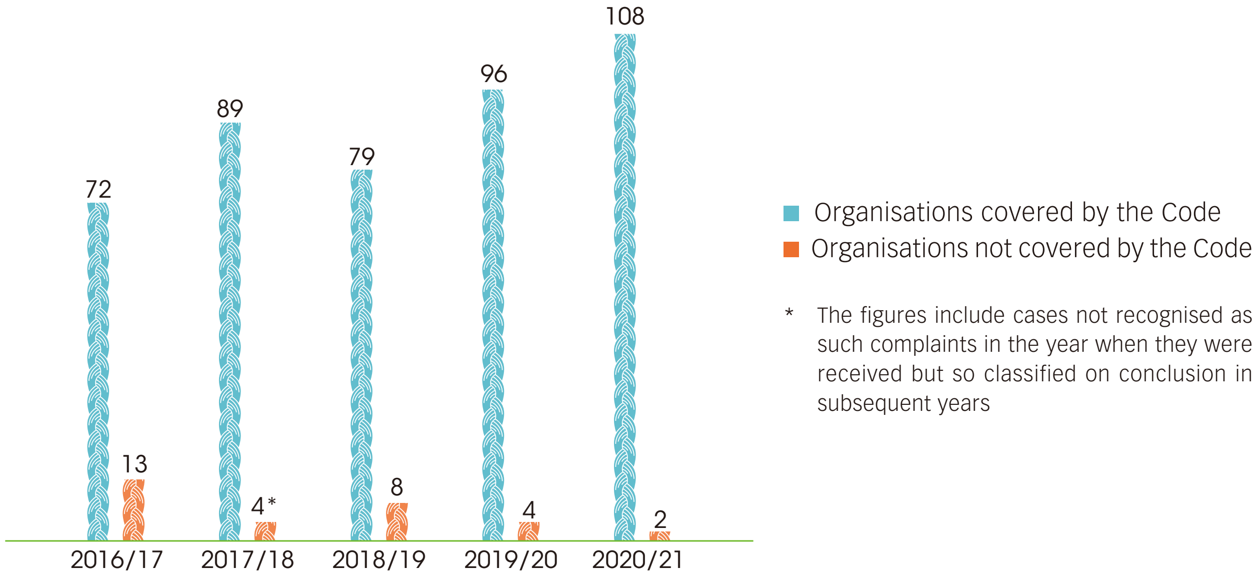
There are two types of complaint cases related to access to information ("ATI"):

- complaints against Government departments or public bodies covered by the Code
- complaints against public organisations not covered by the Code

During the year, we received a total of 110 complaints about ATI, which is a record high. This shows that public expectation for an open and accountable Government continues to rise.

Among the 136 ATI complaints concluded, inadequacies were found in 58 cases (43%).

### Number of ATI Complaints Received in the Past Five Years




* The figures include cases not recognised as such complaints in the year when they were received but so classified on conclusion in subsequent years

## ATI Complaints (statistics between 1 April 2020 and 31 March 2021)

| | Organisations covered by the Code | Organisations not covered by the Code |
|---|---|---|
| Received | 108 | 2 |
| Concluded* | 133 | 3 |

* Including those carried forward from last year

## Number of Inadequacies Found in ATI Complaints




**34** Non-compliance with specific provision of Code (46%)

**27** Unreasonable refusal/hindrance (36%)

**13** Wrong application/interpretation of provision of Code (18%)

## Non-compliance with Specific Provision of Code




**10** Failure to meet target response time (29%)
**5** Failure/impropriety in seeking third party consent (15%)
**5** Failure to provide reason for refusal (15%)
**4** Failure to inform requester channel of review/complaint (12%)
**1** Failure to consider provision of part of a record (3%)
**9** Others (26%)

## Wrong Application/Interpretation of Provision of Code




**7** Inappropriate Part 2 reason cited for refusal (54%)

**2** Wrong analysis (15%)

**1** Reason for refusal not in Part 2 of the Code (8%)

**3** Others (23%)

Note: A complaint case may involve more than one inadequacy.

## Correctional Services Department

**Refusing to provide information about sale of its manufactured masks**

The complainant requested the Correctional Services Department ("CSD") to provide information about the quantity of CSD-manufactured masks sold in each of the previous three years (i.e. 2017 to 2019) to non-governmental organisations ("NGOs") and the list of NGOs to which CSD sold the masks every year, with the quantity of masks sold to each of them. CSD refused the complainant's request on the ground that such information involved third parties.

Our investigation revealed that CSD had not consulted the NGOs, except one, on the request. It merely relied on the opinion of the NGO consulted to presume that the other NGOs also objected to the disclosure of information. We considered CSD's decision making process and the decision itself unsound. Furthermore, it was advisable for CSD to proactively explain to the complainant the relevant NGOs' concerns, and consider disclosing as far as possible the quantities of mask supplied to the NGOs without naming them.




**Conclusion**
**Substantiated**

**Recommendation**

- To consult the other NGOs which have yet to give their replies regarding the complainant's request, so as to assess whether and how it can make available to the complainant as much information as possible without disclosing the names of all or some of the NGOs

## Government Logistics Department

**Refusing to provide information about distribution of Personal Protection Equipment**

The complainant requested the Government Logistics Department ("GLD") to provide information about the quantities of Personal Protection Equipment ("PPE") distributed to Government departments each year from 2017 to 2019. GLD refused the request on the ground that it would prejudice its bargaining position in the procurement of PPE.

Our investigation revealed that, insofar as CSD-manufactured masks and other commercial masks were concerned, the Government had already openly admitted that the inventory could only meet the needs of Government departments for two months. As such, we see no merits in the argument that disclosure of information about the quantities of masks distributed to Government departments would further undermine the Government's bargaining position in sourcing masks through commercial channels. Insofar as other PPE items (e.g. gowns and face masks) were concerned, the Government had never released information about their level of supply, inventory and consumption. As such, disclosure of such information could indeed prejudice the Government's bargaining position in sourcing them. Hence, it was justified for GLD to refuse to release such information.



**Conclusion**
**Partially substantiated**

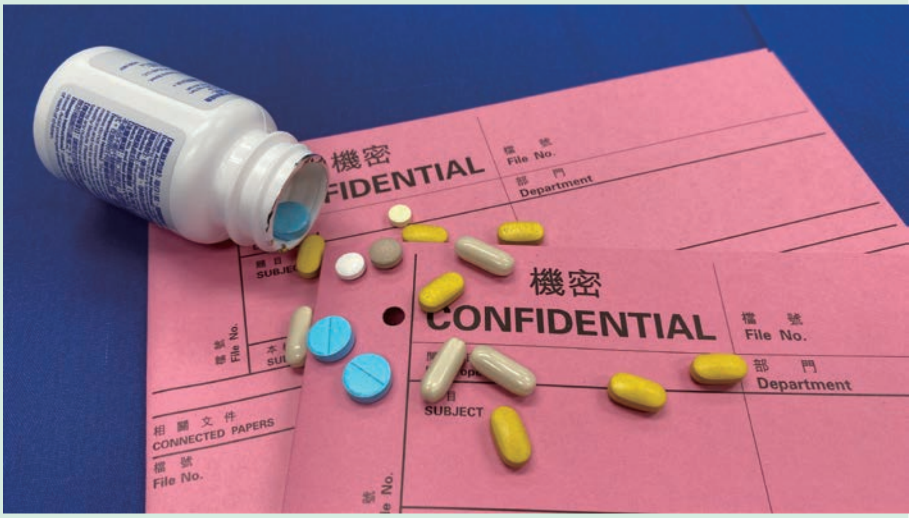
**Recommendation**
- To learn from this case and to strengthen its staff training on the Code and its Guidelines on Interpretation and Application

## Hong Kong Police Force

**Mistakenly indicating that the information requested did not exist**

The complainant complained against the Hong Kong Police Force ("HKPF") for refusing to provide him with information about the illicit drugs destroyed in cases that had been uncovered since Hong Kong's reunification with the Mainland. Information requested included the dates of concluding the cases, as well as the categories and weight of the drugs involved. HKPF in reply said that it had not compiled such records.

Our investigation revealed that HKPF had been maintaining and storing information about the conclusion date of each drug case, as well as the categories and weight of the illicit drugs involved in the form of physical documents. It was not correct to say that the Department had not compiled or kept such records so that it could not provide the information requested. Nevertheless, we agreed that as the request involved a huge number of cases, HKPF would have to deploy considerable resources before it could provide the information requested to the complainant. Consequently, HKPF could refuse the request by invoking paragraph 2.9(d) of the Code (information which could only be made available by unreasonable diversion of a department's resources).




**Conclusion**

**Unsubstantiated but other inadequacies found**

**Recommendation**

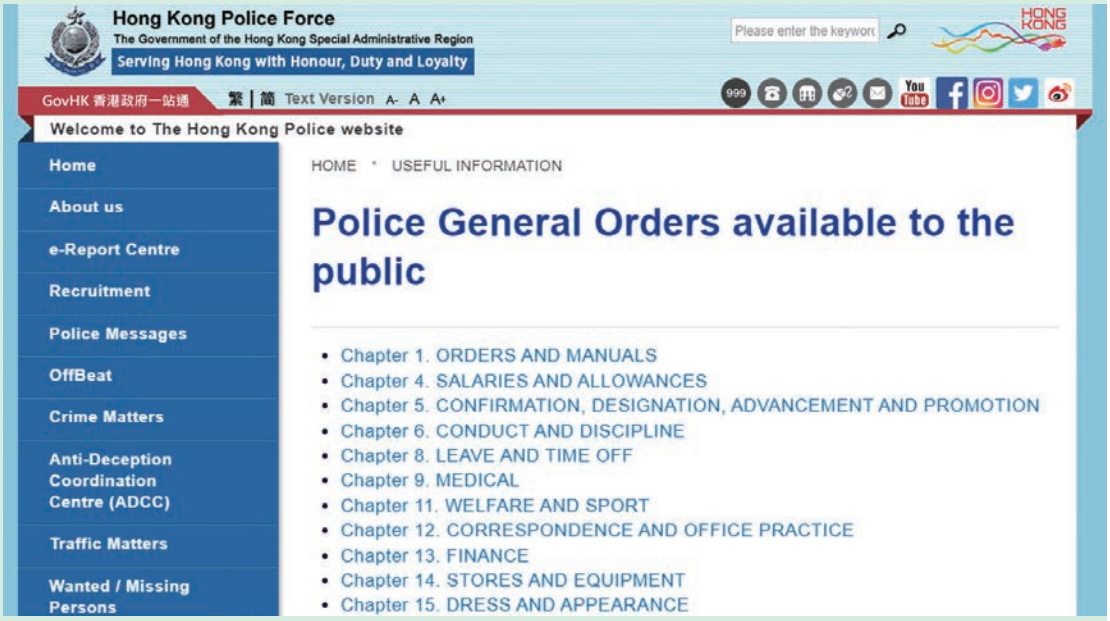
- Step up staff training in respect of handling cases related to the Code

## Hong Kong Police Force

**Refusing to provide information**

The complainant requested the Hong Kong Police Force ("HKPF") to provide information on the headings of all chapters in the Police General Orders ("PGO"). HKPF claimed that those chapters of PGO available for public inspection have been uploaded to its website. For those undisclosed chapters, HKPF refused to provide their headings by citing paragraphs 2.6(e) and 2.6(f) of the Code (disclosure of information might harm its work on prevention of crime and preservation of public safety or order).

Our investigation revealed that the headings of those undisclosed chapters of PGO only give some rough ideas, without specific contents, about the themes of those chapters. As HKPF failed to further elaborate on how the mere disclosure of all chapter headings in PGO could harm its enforcement efficiency, we considered its refusal to disclose information in this case not sufficiently justified.




**Conclusion**
**Substantiated**

**Recommendation**
- Reconsider the complainant's information request pursuant to the Code

## Hong Kong Police Force

**Refusing to provide information**

The complainant requested the Hong Kong Police Force ("HKPF") to disclose the composition and brands of tear gas rounds it used and coloured solution sprayed by the specialised crowd management vehicles. HKPF refused the request by invoking paragraph 2.6(f) of the Code, stating that disclosure of the information would harm its work on preservation of public safety.

We accepted that the information concerned was of the category set out in paragraph 2.6(f) of the Code, disclosure of which would enable detailed understanding of the equipment supply for the Police, which might undermine the capacity and deployment of HKPF in dealing with illegal activities and harm HKPF's work on preservation of public safety. However, when HKPF explained to the complainant the grounds for refusing the request, its explanation lacked details. We reminded HKPF to note this.



**Conclusion**
**Unsubstantiated**

# Registration and Electoral Office

**Failing to provide statistics on registered electors**

The complainant requested the Registration and Electoral Office ("REO") to provide statistics on registered electors for some functional constituencies of the Legislative Council ("LegCo") from 1998 to 2015. For the statistics between 2012 and 2015, REO fully complied with the request of the complainant. For 1998 to 2011, REO provided only the statistics for the years when the LegCo Election took place ("election years") and no more. REO explained that it would only keep the statistics on registered electors for two latest elections and that it had already destroyed the records relating to registration of electors in functional constituencies in 2011 or before according to the established records disposal schedules.

We have no objection to REO's destruction of records according to the disposal schedules. However, REO should, on its own initiative, select and preserve information with archival value, including annual statistics on registered electors amidst such records. Information on registered electors is important as it enables the Government and the public to have a clear understanding on the distribution and evolvement of electors. It is, therefore, of great historical and research value. We consider REO's retention of registered electors statistics for two latest elections only undesirable and short of foresight.




**Conclusion**
**Partially substantiated**

**Recommendation**

- To keep annual registered electors statistics constantly for reference by the Government and for public inspection

# Security Bureau

**Refusing to provide information**

The complainant requested the Security Bureau ("SB") to provide information regarding the written submissions it received during the public consultation on the proposed amendments to the Mutual Legal Assistance in Criminal Matters Ordinance and the Fugitive Offenders Ordinance. SB refused to disclose part of the information requested by invoking paragraph 2.14 of the Code, stating that that part of information was related to third party information which could not be released without the third parties' consent.

We considered SB had created a difficult situation for itself in the consultation exercise. It should have stated from the outset of consultation that all submissions received might be disclosed in their entirety unless the respondent requested anonymity or confidentiality, but it had failed to do so. It should also have approached those respondents with known contact details to ascertain whether they would consent to disclose their views and, if they refused, whether the public interest for the disclosure outweighed any harm or prejudice that would result.

SB has undertaken to take reference from this case to put in place measures for improvement.




**Conclusion**
**Substantiated**

## Social Welfare Department

**Refusing to provide information on "Agency Quota Places" of a subvented elderly home**

The complainant made a request to the Social Welfare Department ("SWD") for the "Agency Quota Places" of a subvented elderly home. SWD refused the request by citing paragraph 2.14(a) of the Code, claiming that the requested information was third party information.

Following commencement of our investigation, SWD consulted and obtained a consent from the elderly home. With this consent, SWD provided the requested information to the complainant.

The "Agency Quota Places" involved public funds. SWD's initial refusal to provide the information was not in line with the provisions of the Code because the Department had not consulted the elderly home before refusing the complainant's request. Furthermore, SWD's disclosure of the requested information would unlikely cause harm or prejudice to the elderly home.



**Conclusion**
**Substantiated**

**Recommendation**

- Strengthen staff training in respect of handling cases related to the Code

Chapter 6

# Improving Public Administration

Through impartial investigations, we aim to find out what have triggered complaints, redress grievances and address issues arising from maladministration in the public sector and bring about better public administrative practices.

## Our recommendations fall into the following categories:

(1) guidelines for clarity, consistency or efficiency in operation
(2) better arrangements for inter-departmental co-ordination
(3) measures for better public enquiry/complaint handling
(4) measures for better client services
(5) measures for more effective regulation or control
(6) clearer/more reasonable rules and charges
(7) clearer and more timely information to the public
(8) training for staff
(9) Others



To ensure that our recommendations are realistic and effective in bringing about better public administration, we often discuss our observations and views with senior officers of the organisations concerned in the course of investigations. Such exchanges are useful in clarifying points of doubt and better understanding of the problems.

The organisations concerned are expected to act adequately upon our recommendations and inform us should they encounter any difficulties in implementing our recommendations. We will monitor the progress of implementation. Where an organisation does not adequately act upon a recommendation, we may submit a report to the Chief Executive of the Hong Kong Special Administrative Region. In such event, The Ombudsman Ordinance requires that a copy of the report be laid before the Legislative Council within one month or such longer period as the Chief Executive may determine.

Below are the figures on our investigations conducted and recommendations made for this financial year.

Full investigations conducted: **167**
Recommendations made: **126**

Direct investigations conducted: **9**
Recommendations made: **68**




Accepted for implementation: **168** (86.6%)

Under consideration: **26** (13.4%)

As always been the case, most of our recommendations were accepted. A small percentage of our recommendations were not accepted/implemented because the organisations concerned might have subsequently come up with other alternatives or our recommended measures were no longer necessary as the action that had caused a complaint would not be taken again due to, for instance, cease of the relevant work by the organisation.

The major examples of the improvement measures implemented in this financial year are listed below.

| Organisation (Case reference) | Improvement measures | Category |
|---|---|---|
| Buildings Department (2019/1598(I)) | Training enhanced and internal meetings at various levels conducted to remind staff to observe the Code on Access to Information when handling information requests from the public | (8) |
| Civil Engineering and Development Department, Transport Department & Highways Department (DI/426) | • Joint-departmental meetings to be convened regularly to review the development status of all idle flyover sections or stub ends | (2) |
| | • An integrated information platform set up to facilitate the handling of public enquiries on the planning, progress and latest status of the proposed road works in various districts | (7) |
| Correctional Services Department (2019/3369(I)) | Staff training on proper application of the Code on Access to Information conducted | (8) |
| Correctional Services Department (2020/0577(I)) | Case reviewed and the requested information relating to the sale of masks disclosed to complainant save for some information relating to Non-Government Organisations | (3) |
| Customs and Excise Department (2020/2075(I)) | Staff training on the Code on Access to Information conducted | (3) |
| Department of Health (2018/4756A & 2019/0063A) | Coordinated with Social Welfare Department to require Comprehensive Social Security Assistance recipients who are 100% disabled or in need of constant attendance to sign a declaration form to confirm their eligibility for free vaccination under the Vaccination Schemes | (2) |
| Department of Health (2020/2077(I)) | Staff training on the Code on Access to Information conducted | (3) |

| Organisation (Case reference) | Improvement measures | Category |
|---|---|---|
| Department of Health (DI/411) | • Strengthening the support to students with psychological problems by actively making telephone calls to their parents to follow up on the students' latest condition and their appointments with psychiatrists of the Hospital Authority | (2) |
| | • Survey conducted to understand the reasons for students being absent from their annual health assessments under the Student Health Service Programme | (4) |
| | • Allowing parents who could not attend the annual health assessments of their children to fill in the questionnaire about their children's psychological health online | (4) |
| Food and Environmental Hygiene Department (2017/4610) | An online "Unclaimed Dead Body Search System" launched for the relatives of unclaimed deceased to locate their remains for private disposal | (3) |
| Food and Environmental Hygiene Department (2018/3105) | New guidelines issued for applying to court for warrants of arrest for summonses which have not been successfully served on the defendants for a long period of time | (5) |
| Food and Environmental Hygiene Department & Lands Department (2019/0404) | • Procedures for handling complaints about occupation of bicycle parking areas by articles or bicycles reviewed | (5) |
| | • Internal guidelines for enforcement action drawn up after seeking legal advice | (5) |
| Food and Environmental Hygiene Department (2019/2885) | • Warnings issued to the street cleansing contractor concerned and its monthly service fees deducted due to its substandard service | (5) |
| | • More surprise inspections conducted and penalty tickets issued to the offending car washing shops | (5) |
| Food and Environmental Hygiene Department (2019/3449) | Formal reminder given to frontline staff to make proper written records after interviewing members of the public or after receiving public enquiries/complaints | (3) |

| Organisation (Case reference) | Improvement measures | Category |
|---|---|---|
| Food and Environmental Hygiene Department & Lands Department (2020/0507) | • Increase the frequency of inspection and take decisive enforcement actions (including prosecution), and where necessary, take joint actions with relevant Government departments | (5) |
| | • Proactively explore ways to resolve the problem of illegal occupation of an alley, e.g. installing metal bollards at the entrance/exit of the alley | (5) |
| Food and Environmental Hygiene Department (2020/1221) | • Staff of environmental hygiene office reminded to strictly follow guidelines on monitoring cleansing contractor and on examining officers' inspection reports | (5) |
| | • Staff instructed to attend to information provided by complainants when they are conducting investigations | (5) |
| | • Enforcement action against litterers stepped up in the vicinity | (5) |
| Food and Environmental Hygiene Department & Highways Department (2020/1400) | Consensus reached between the Highways Department and the Food and Environmental Hygiene Department on the coordination of their respective responsibilities on clearance of sizable objects on public roads and agreement to have regular communication on that matter made | (2) |
| Food and Environmental Hygiene Department (DI/430) | • Tendering mechanism for street cleansing services reviewed and findings reported to the Government with a view to further refining the mechanism | (5) |
| | • Support provided to street cleansing contractors during pandemic, including provision of face masks, in order to protect the occupational health and safety of workers and maintain the standard of street cleansing services | (9) |
| GS-Development Bureau (DI/310) | • The requirements of tree inspection officers raised since November 2019 to make them possess the requisite academic, professional and training qualifications, and three years of relevant work experience | (5) |
| | • Will set up a registration system for arborists and tree workers | (9) |

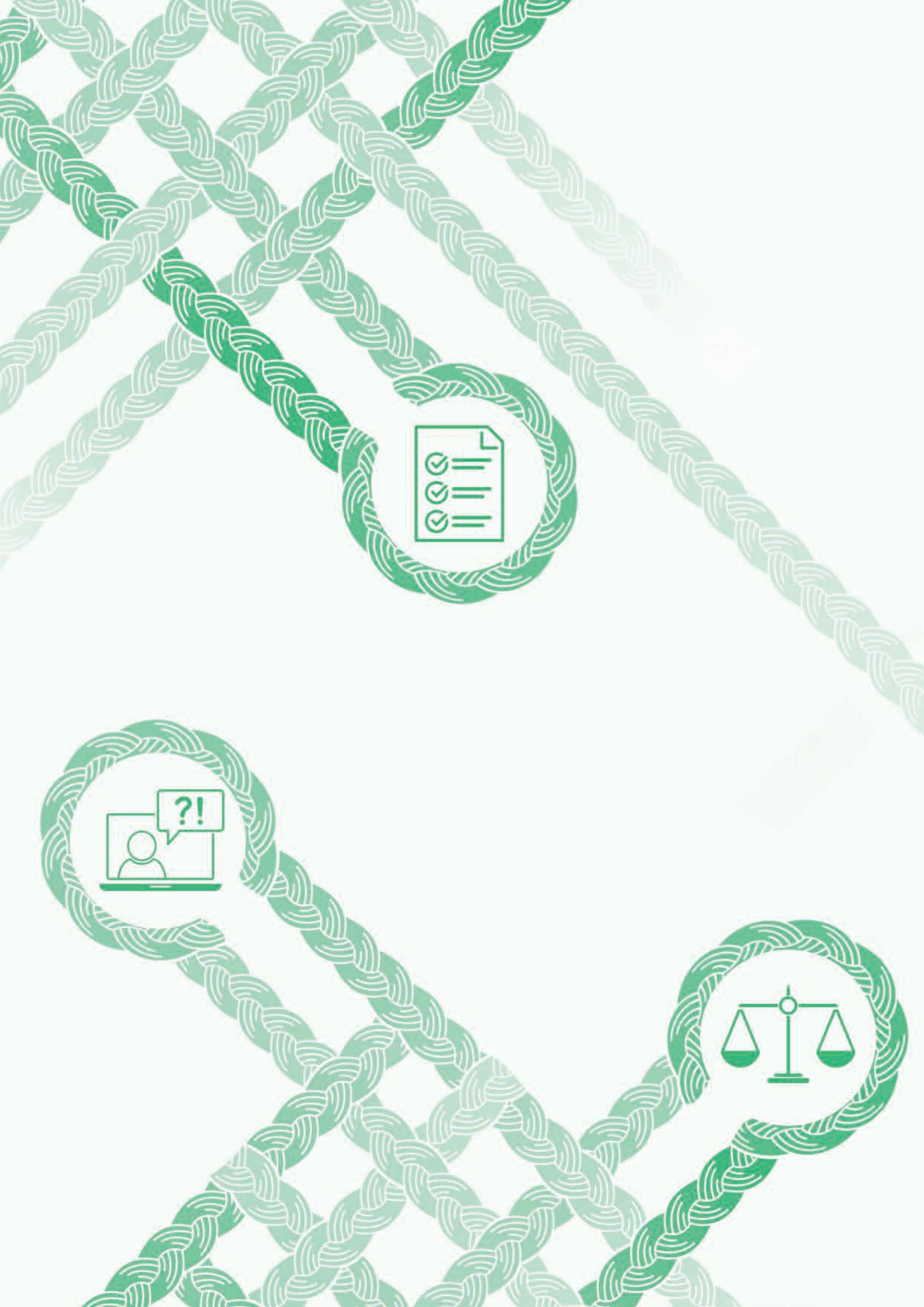
| Organisation (Case reference) | Improvement measures | Category |
|---|---|---|
| GS-Education Bureau (2018/4581) | Schools advised to follow the Hospital Authority's recommended procedures for returning to hospitals assessment checklists completed by teachers on students with special education needs | (9) |
| GS-Education Bureau (2019/3627(I)) | • Information circulated and workshops organised to enhance staff's understanding of the requirements of the Code on Access to Information | (8) |
| | • Information circulated to staff for consideration of informing members of new working groups in advance that their names would be disclosed to the public | (9) |
| GS-Education Bureau & Social Welfare Department (DI/419) | • Guidelines and circulars relating to handling of suspected child abuse cases revised under interdepartmental communication such that schools can have clear and consistent guidelines to follow | (1) |
| | • Measures drawn up to regularly conduct statistical analyses on reasons of absence of students of kindergartens, primary and secondary schools for early identification of child abuse cases and planning of appropriate support | (5) |
| | • The Kindergarten Administration Guide and the Operation Manual for Pre-Primary Institutions revised to include the information on how to identify child abuse cases and procedures for handling suspected child abuse | (7) |
| GS-Food and Health Bureau & Department of Health (DI/402) | • Resources added to expedite the processing of applications for proprietary Chinese medicine registration | (1) |
| | • Funding earmarked for the study of establishing a registration or certification system for Chinese medicine pharmacists in Hong Kong | (5) |
| Hong Kong Police Force (2019/3326(I)) | Reviewed and revised the Department's mechanism for internal referral of information requests to ensure that the mechanism is in line with the requirements and spirit of the Code on Access to Information | (3) |

| Organisation (Case reference) | Improvement measures | Category |
|---|---|---|
| Hong Kong Police Force (2019/5225(I)) | • Setting up an internal database of information requests to share the knowledge and experience among its staff | (3) |
| | • Delivering relevant talks to its staff regularly to enhance their understanding and application to the Code on Access to Information and the relevant guideline | (8) |
| Hong Kong Police Force (2020/2074(I) & 2020/2279(I)) | Staff given training on the Code on Access to Information | (8) |
| Hospital Authority (2019/1616) | An automated dispensing cabinet installed so that the Accident & Emergency patients of St. John Hospital would be provided with all medications even when its pharmacy at Cheung Chau is closed | (4) |
| Housing Department (DI/413) | • Information about vacant storerooms in public rental housing estates posted in various locations of the relevant public housing estates | (7) |
| | • The feasibility of converting vacant storerooms and empty bays in public rental housing estates into public housing units examined | (9) |
| Immigration Department (2019/5268, 2019/5611 & 2020/0041) | • An internal guideline established for processing applications and a clear procedure for handling applications submitted by persons other than the marriage data subject, to set target processing time in order to ensure timely handling of applications and to inform applicants of the status of their applications | (1) |
| | • The details of new measure would be announced through different channels before implementation in the future | (7) |
| Immigration Department (2020/2076(I)) | Staff training on the Code on Access to Information conducted | (8) |

| Organisation (Case reference) | Improvement measures | Category |
|---|---|---|
| Lands Department (DI/405) | • Shorten the validity of a waiver letter for factory canteen from same as the lease of the industrial building concerned to one year | (5) |
| | • Applications for a waiver letter within the industrial area will be handled first | (5) |
| Leisure and Cultural Services Department (2015/1410) | Libraries Regulations revised in order to prohibit all photo-taking activities in the libraries, including the use of tools like film-free mobile phones or digital cameras | (5) |
| Leisure and Cultural Services Department (2018/5168A) | A new provision included in the Pleasure Grounds Regulation empowering the Department to stipulate venue rules to restrict the use of amplifiers and to specify requirements in relation to the playing of musical instruments and singing activities | (5) |
| Leisure and Cultural Services Department (DI/221) | New information system developed to allow public to book non-fee charging public sports and recreation facilities through the system and allow a hirer to authorise another user to sign in the facilities booked | (4) |
| Leisure and Cultural Services Department (DI/357) | Mechanism set up for public libraries in all districts for collecting feedbacks on newly acquired library materials | (5) |
| Leisure and Cultural Services Department (DI/434) | • Guidelines revised to require staff to deposit layout plan of every public pleasure ground with the Lands Department as required by law before the venue is open for public use | (1) |
| | • Measures taken to strengthen the communication with the Lands Department on depositing layout plans of public pleasure grounds for better collaboration between the two departments | (2) |
| | • Central database on layout plans of public pleasure grounds set up and made accessible to all responsible staff for better management of records and effective monitoring of deposit procedures of the layout plans | (5) |

| Organisation (Case reference) | Improvement measures | Category |
|---|---|---|
| Post Office (2020/1078, 2020/1123, 2020/1177 & 2020/1344) | More specific information on the estimated mailing delay time for different regions would be provided | (7) |
| Radio Television Hong Kong (2020/0724(I)) | Staff training materials for new recruits updated by incorporating in the materials the requirements and application of the Code on Access to Information and relevant training materials uploaded onto the intranet for reference by existing staff | (8) |
| Social Welfare Department (2019/1011) | • Staff instructed to avoid making unsound conclusions and they should carefully investigate disputes involving a disagreement on facts between disputing parties | (3) |
| | • Inspection on the residential care home for the elderly concerned stepped up to ensure that it would comply with the directions issued by the Department and stringently adhere to the Code of Practice for Residential Care Homes (Elderly Persons) | (5) |
| Social Welfare Department (2019/4924B) | • The Department has set up mechanisms to enhance collaboration and communication with the Housing Department (HD) at both headquarters and district levels to address issues relating to the handling of housing assistance cases, including reviewing and streamlining existing policy and work procedures on handling housing assistance cases | (1)<br>(2)<br>(4)<br>(7) |
| | • Two training courses and sharing sessions for the district Integrated Family Service Centres held to explain the principles of compassionate rehousing application and alternative housing assistance, assessment skills and points to note, and to remind the social workers to explain their role and duties to applicants clearly, and to keep close contact with HD when handling cases | (8) |

| Organisation (Case reference) | Improvement measures | Category |
|---|---|---|
| Transport Department, Lands Department & Home Affairs Department (2018/4802) | • Clarifying that Transport Department's modification works had no implications on the villagers' guaranteed right of vehicular access to the subject government land and that Transport Department might install railings/bollards at the subject opening to deter illegal parking if the situation warrants | (5) |
| | • Closely monitoring complaints about illegal parking at the subject government land and conducting site inspections | (5) |
| Transport Department (2019/2437) | • Staff reminded to seek advice from their supervisors at an earlier stage when they encounter difficulties during their monitoring of facility construction works of bus companies | (1) |
| | • A new form introduced for monitoring the progress of facility construction works of bus companies so as to alleviate the traffic congestion in the district concerned | (5) |
| Transport Department (2019/3939) | • Supervision of case officers enhanced and regular communication with and reminders to staff arranged to ensure that all complaints will be replied to according to guidelines | (3) |
| | • Manpower increased for handling complaints and conducting site inspections so as to further enhance the monitoring of public transport services | (3) |
| | • To closely monitor the progress of traffic management works to relieve the problem of local traffic congestion | (5) |
| Vocational Training Council (2020/1334(R)) | Vocational Training Council's Code on Access to Information revised to require its staff to give reason if a request for information is to be refused and will subject its decision on an information request to a "harm or prejudice test" | (6) |



Chapter 7

# Spreading Our Message

To overcome the challenges brought about by the pandemic, our promotional efforts this year relied more on electronic and social media. We leveraged the use of information technology and online platforms to engage our stakeholders and reach out to the public.

## Media Events and Press Releases

During the reporting year, we organised three press conferences and issued two press releases to announce the results of nine direct investigations. We also declared the launch of 12 direct investigations to invite stakeholders' views on issues of public interest.

For the first time, we broadcast our press conferences live through social media to expand our reach to the public direct other than through traditional means. The concurrent use of communication software to answer media questions in real time allowed us to hold our press conference on 17 December 2020 when social distancing regulations were in force.





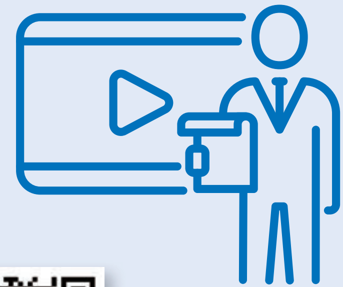




## Social Media




We stepped up the use of social media to disseminate information. Apart from uploading more investigation reports onto our website, we presented our cases vividly on Facebook.



Also, our repertoire of promotional videos was posted on our YouTube channel.



# Engagement with Local Working Partners and Public Education

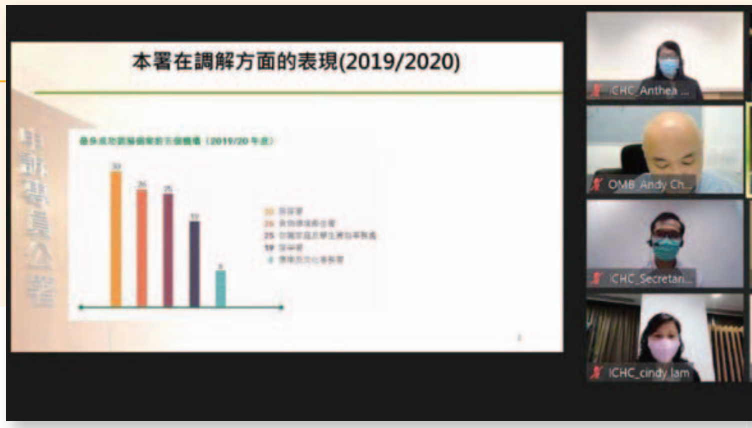



We continued engaging local stakeholders to enhance community awareness of the role and services of our Office and foster improvement in the quality of and fairness in public administration.






The Lump Sum Grant Independent Complaints Handling Committee for middle managers of non-governmental organisations (NGOs) hosted an online sharing session on 28–29 October 2020. Our investigation officers introduced the role and work of the Office to 159 participants coming from 89 NGOs.





In the reporting year, we delivered eight talks to departments/organisations either in their offices or through online platform to introduce the work of our Office and share our experience in complaint handling.







We were invited to an interview by the Radio Television Hong Kong on 28 May 2020. In the programme "Mission of Mediation"《調解任務》of Radio I, our colleagues shared their expertise in mediation making reference to some cases handled by this Office.



Archive of the interview is available at RTHK's website (香港電台網站：第一台|調解任務|申訴係點「解」？(rthk.hk)).

The Ombudsman's Awards aim to recognise the exemplary complaint handling and customer services of public bodies and their officers. We broadcast this year's Presentation Ceremony of The Ombudsman's Awards online on 4 December 2020 instead of holding a full-scale event in a venue for the first time.

This year's Grand Award went to the Transport Department, whereas the Department of Health and Water Supplies Department were the runners-up. The Working Family and Student Financial Assistance Agency was presented the Organisation Award on Mediation. In addition, 57 public officers were given Individual Awards.







The Presentation Ceremony was posted on our YouTube Channel.

## Overseas Liaison

In the midst of the global pandemic, many international conferences were staged online or postponed. We took the opportunities to exchange views with our counterparts by joining virtual meetings and webinars.




On 4–5 November 2020, the Australasia and Pacific Region of International Ombudsman Institute (IOI) hosted a Virtual Conference with the theme of "The role of the Ombudsmen in times of crisis". I attended the members' annual meeting and a Chief Investigation Officer of our Office shared how we adapted our work in changing times in the open session of the Conference.




On 24 November 2020, I attended the IOI webinar on the topic of "Covid-19 and the Ombudsperson – Rising to the Challenge of a Pandemic" with my colleagues.

# Our Office

## We are Up for Challenges

The challenges posed by the COVID-19 pandemic in the year did not undermine our unreserved commitment to building a dedicated workforce to serve the public. Special work arrangements including "work-from-home" by rotation, in-person visits by appointment only, etc. were implemented to balance the need for business continuity and combating the pandemic.

We continued to progress steadily in nurturing a solid base of home-grown talent and developing a healthy contingent of investigation officers. To gear up ourselves for the changing work environment, we created a senior IT manager post to map out long-term IT strategies and boost the capacity and application of IT to our work. We also took advantage of the Government's job creation programme to add a time-limited position of assistant manager to broaden our reach by digital media. As at 31 March 2021, we have a staff complement of 120.

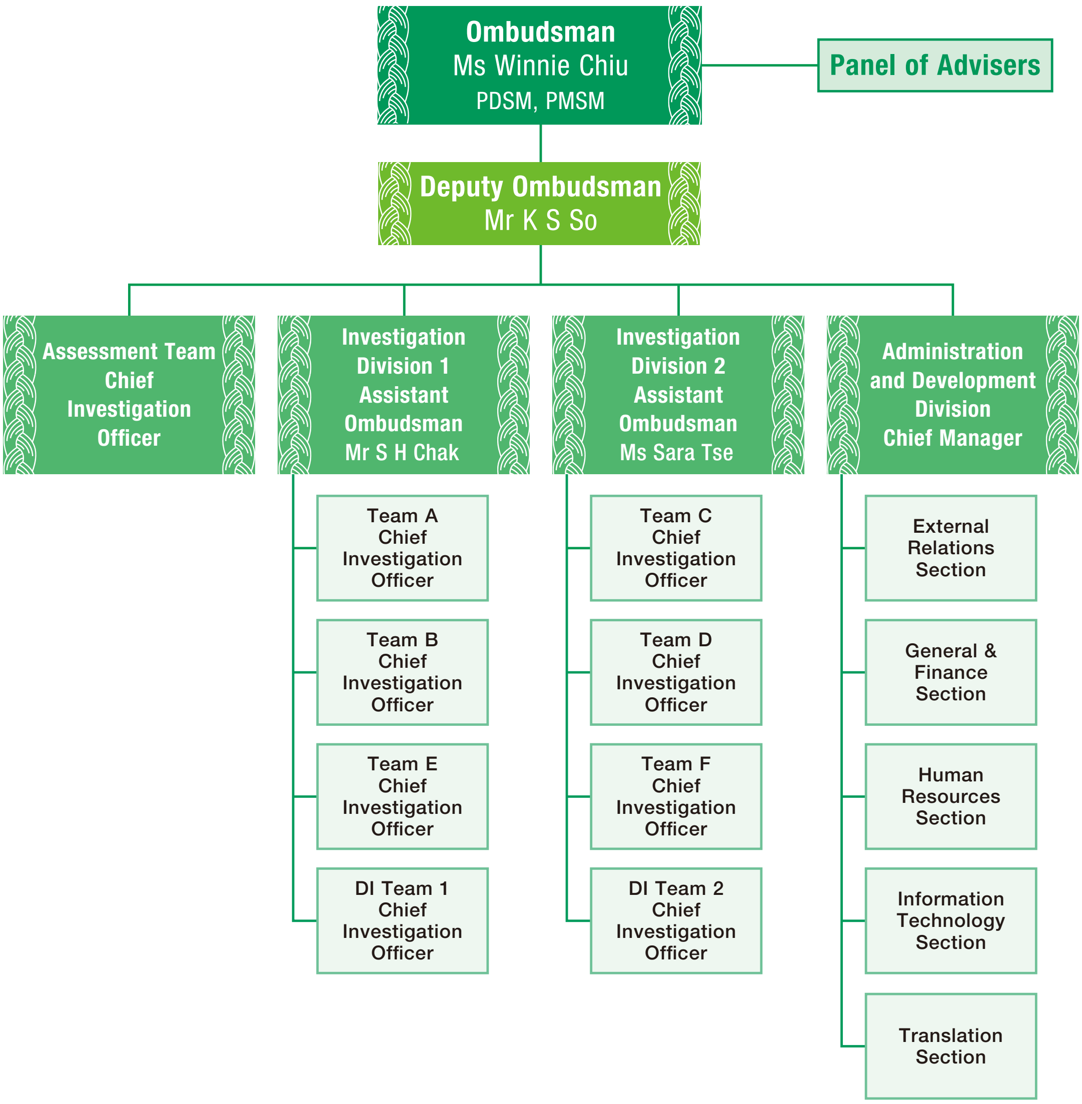



**4** Directorate (3.3%)

**65** Investigation (54.2%)

**51** Administrative & Support (42.5%)

## Organisation Chart



## Training and Development

We strived to maintain a learning culture in this extraordinary time by organising interactive classes like induction training when situation permitted and by arranging staff to attend online/classroom management and vocational training to enhance their work knowledge and job skills.





We also arranged staff to join virtual conferences and webinars organised by overseas ombudsman institutes, which provided a platform for officers to learn and exchange views on best practices for complaint handling in different jurisdictions.



We continued to subscribe for our staff to an Employee Wellness Programme, which offered coaching and counselling to our staff to help them achieve personal and professional effectiveness. To echo the theme of our programme titled "Building a Positive Organisation with PRIDE", we organised staff wellness workshops when situation permitted, aiming to empower them with positive energy for positive living and enhance effective communication at the workplace.





# Special Arrangements in times of COVID-19

During the resurgence of COVID-19, we adopted special measures to maintain services to the public while minimising social contact and maintaining hygiene at the office premises. The public generally showed understanding about our special service arrangements. We are glad that we are by and large able to upkeep the quality of service.

## Adjustment of reception counter service:

- members of the public who wished to lodge complaints or make enquiries were encouraged to contact our Office through email, fax, hotline, voice message or online complaint form
- face-to-face meetings with visitors resumed by prior appointment when situation permitted

## Special work arrangements:

- "Work-from-home" by rotation became a "new normal" at the height of the pandemic
- Staggered working hours with flexible lunch break and casual attire for those who worked in the office
- Special arrangements for staff absence related to COVID-19

### Other infection control measures:

- Notices of the Government "LeaveHomeSafe" mobile app posted at office entrances
- Sanitising items provided to visitors and staff
- Wall-mounted infrared thermometers and a thermal imaging system installed to monitor body temperatures of visitors and staff
- Acrylic dividers installed at reception counter and interview rooms
- Cleansing and disinfection of the office premises stepped up

## Feedback on our Service

We concluded altogether 27 complaints against the Office concerning staff manners and/or our work procedures in the year, each representing an individual's expectations of our services. Of them, inadequacy on the part of our staff was found in 7 cases, on which we followed up with counselling provided to the staff concerned. Although these expectations varied in degree, they offered much food for thought in reviewing and, where appropriate, improving our services.

### Nature of complaints against the Office

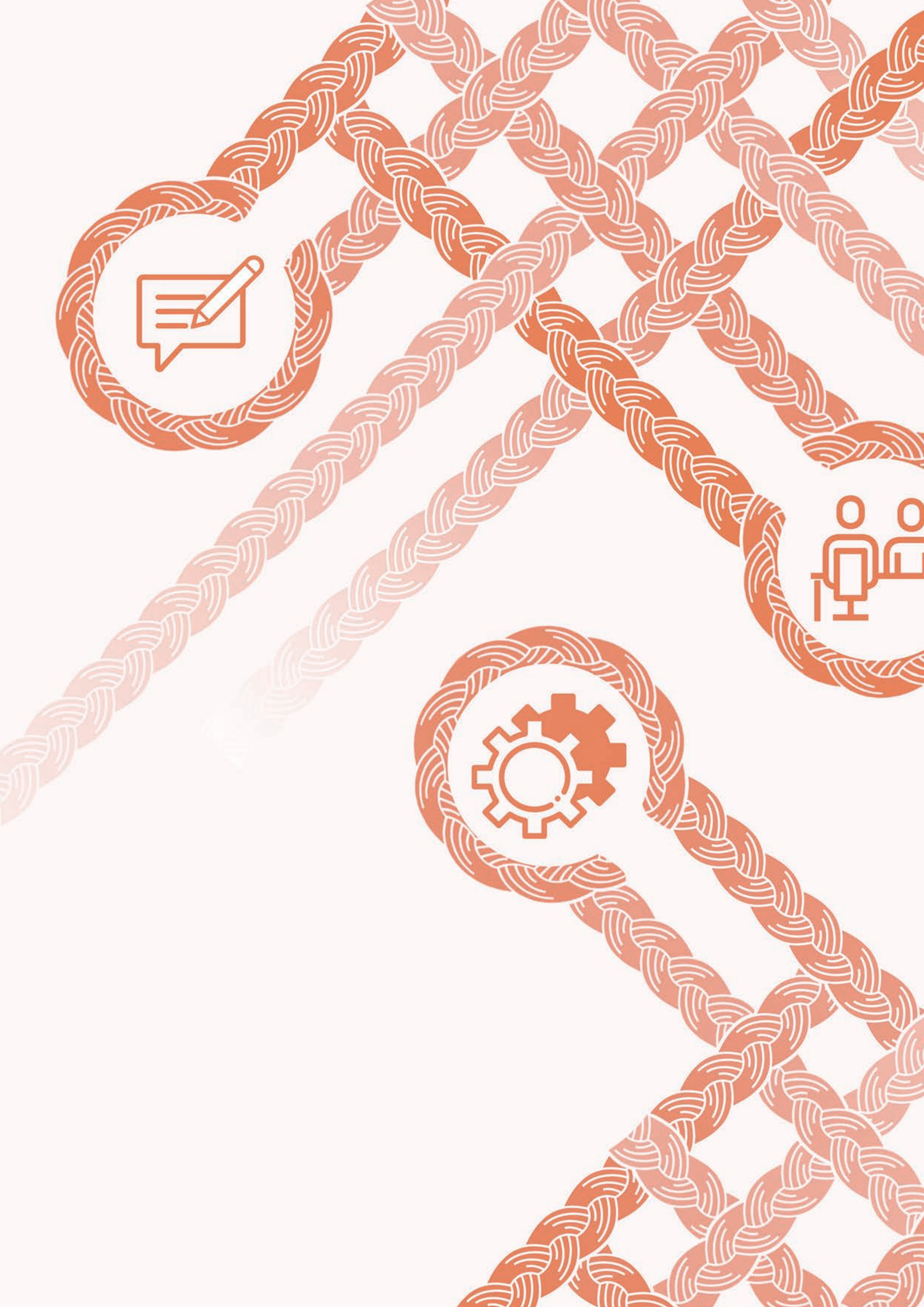



**22** Related to office's work procedures (73.3%)

**5** Related to staff manners (16.7%)

**3** Related to office's decision on the case (10.0%)

Note: A complaint case may have more than one nature.



# ANNEXES

The Ombudsman, Hong Kong
Annual Report 2020/21

Annex 1

# List of Scheduled Organisations

## Organisations Listed in Part 1 of Schedule 1, Cap. 397

| | | |
|---|---|---|
| A | Agriculture, Fisheries and Conservation Department | AFCD |
| | Airport Authority | AA |
| | All registries and administrative offices of courts and tribunals for which the Judiciary Administrator has responsibility | JA |
| | Architectural Services Department | ArchSD |
| | Audit Commission | Aud |
| | Auxiliary Medical Service | AMS |
| | Auxiliary Medical Service (Government department) | AMS |
| B | Buildings Department | BD |
| C | Census and Statistics Department | C&SD |
| | Civil Aid Service | CAS |
| | Civil Aid Service (Government department) | CAS |
| | Civil Aviation Department | CAD |
| | Civil Engineering and Development Department | CEDD |
| | Companies Registry | CR |
| | Competition Commission | ComC |
| | Consumer Council | CC |
| | Correctional Services Department | CSD |
| | Customs and Excise Department | C&ED |
| D | Department of Health | DH |
| | Department of Justice | DoJ |
| | Drainage Services Department | DSD |
| E | Electrical and Mechanical Services Department | EMSD |
| | Employees Retraining Board | ERB |
| | Environmental Protection Department | EPD |
| | Equal Opportunities Commission | EOC |
| | Estate Agents Authority | EAA |

| | | |
|---|---|---|
| F | Financial Reporting Council | FRC |
| | Fire Services Department | FSD |
| | Food and Environmental Hygiene Department | FEHD |
| G | General Office of the Chief Executive's Office | CEO |
| | Government Flying Service | GFS |
| | Government Laboratory | GovtLab |
| | Government Logistics Department | GLD |
| | Government Property Agency | GPA |
| | Government Secretariat | GS |
| | – Chief Secretary for Administration's Office | CSO |
| | – Chief Secretary for Administration's Private Office | CSPO |
| | – Civil Service Bureau | CSB |
| | – Commerce and Economic Development Bureau | CEDB |
| | – Constitutional and Mainland Affairs Bureau | CMAB |
| | – Development Bureau | DEVB |
| | – Education Bureau | EDB |
| | – Environment Bureau | ENB |
| | – Financial Secretary's Private Office | FSPO |
| | – Financial Secretary's Office | FSO |
| | – Financial Services and the Treasury Bureau | FSTB |
| | – Food and Health Bureau | FHB |
| | – Home Affairs Bureau | HAB |
| | – Innovation and Technology Bureau | ITB |
| | – Labour and Welfare Bureau | LWB |
| | – Policy Innovation and Co-ordination Office | PICO |
| | – Secretary for Justice's Office | SJO |
| | – Security Bureau | SB |
| | – Transport and Housing Bureau | THB |

| | | |
|---|---|---|
| H | Highways Department | HyD |
| | Home Affairs Department | HAD |
| | Hong Kong Arts Development Council | HKADC |
| | Hong Kong Housing Authority | HKHA |
| | Hong Kong Housing Society | HKHS |
| | Hong Kong Monetary Authority | HKMA |
| | Hong Kong Observatory | HKO |
| | Hong Kong Sports Institute Limited | HKSIL |
| | Hospital Authority | HA |
| | Housing Department | HD |
| I | Immigration Department | ImmD |
| | Information Services Department | ISD |
| | Inland Revenue Department | IRD |
| | Insurance Authority | IA |
| | Intellectual Property Department | IPD |
| | Invest Hong Kong | InvestHK |
| J | Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service | JSSCS |
| K | Kowloon-Canton Railway Corporation | KCRC |
| L | Labour Department | LD |
| | Land Registry | LR |
| | Lands Department | LandsD |
| | Legal Aid Department | LAD |
| | Legislative Council Secretariat | LCS |
| | Leisure and Cultural Services Department | LCSD |
| M | Mandatory Provident Fund Schemes Authority | MPFA |
| | Marine Department | MD |

| | | |
|---|---|---|
| O | Office of the Communications Authority | OFCA |
| | Official Receiver's Office | ORO |
| P | Planning Department | PlanD |
| | Post Office | PO |
| | Privacy Commissioner for Personal Data | PCPD |
| | Property Management Services Authority | PMSA |
| R | Radio Television Hong Kong | RTHK |
| | Rating and Valuation Department | RVD |
| | Registration and Electoral Office | REO |
| S | Securities and Futures Commission | SFC |
| | Social Welfare Department | SWD |
| T | The Hong Kong Examinations and Assessment Authority | HKEAA |
| | Trade and Industry Department | TID |
| | Transport Department | TD |
| | Travel Industry Authority | TIA |
| | Treasury | Try |
| U | University Grants Committee, Secretariat | UGC |
| | Urban Renewal Authority | URA |
| V | Vocational Training Council | VTC |
| W | Water Supplies Department | WSD |
| | West Kowloon Cultural District Authority | WKCDA |
| | Working Family and Student Financial Assistance Agency | WFSFAA |

# Organisations Listed in Part 2 of Schedule 1, Cap. 397

| | | |
|---|---|---|
| I | Independent Commission Against Corruption | ICAC |
| H | Hong Kong Auxiliary Police Force | HKAPF |
| | Hong Kong Police Force | HKPF |
| S | Secretariat of the Public Service Commission | PSC |

Annex 2

# Circumstances where Complaints are not Followed up or Investigated

## Actions not Subject to Investigation

Schedule 2, Cap. 397

1. Security, defence or international relations
2. Legal proceedings or prosecution decisions
3. Exercise of power to pardon criminals
4. Contractual or other commercial transactions
5. Personnel matters
6. Grant of honours, awards or privileges by Government
7. Actions by the Chief Executive personally
8. Imposition or variation of conditions of land grant
9. Actions in relation to Hong Kong Codes on Takeovers and Mergers and Share Buy-backs
10. Crime prevention and investigation actions by Hong Kong Auxiliary Police Force, Hong Kong Police Force or Independent Commission Against Corruption

## Restrictions on Investigation of Complaints

section 10(1), Cap. 397

1. Complainant having knowledge of subject of complaint for more than two years
2. Complaint made anonymously
3. Complainant not identifiable or traceable
4. Complaint not made by person aggrieved or suitable representative
5. Subject of complaint and complainant having no connection with Hong Kong
6. Statutory right of appeal or remedy by way of legal proceedings (except judicial review) being available to complainant

## Circumstances where The Ombudsman may Decide not to Investigate

section 10(2), Cap. 397

1. Investigation of similar complaints before revealed no maladministration
2. Subject of complaint is trivial
3. Complaint is frivolous or vexatious or is not made in good faith
4. Investigation is, for any other reason, unnecessary

Annex 3

# Caseload

| | Reporting year[1] | | | | |
|---|---|---|---|---|---|
| | 16/17 | 17/18 | 18/19 | 19/20 | 20/21 |
| **Enquiries** | **11,564** | **11,424** | **10,403** | **8,581** | **7,505** |
| **Complaints** | | | | | |
| **(a) For processing** | **5,732** | **5,587** | **5,808** | **20,737** | **30,713** |
| – Received | 4,862[74] | 4,829[68] | 4,991[349] | 19,767[15,034] | 29,814[25,155] |
| – Brought forward | 870 | 758 | 817 | 970 | 899 |
| **(b) Completed** | **4,974[74]** | **4,770[61]** | **4,838[353]** | **19,838[15,040]** | **30,021[25,155]** |
| **Pursued and concluded** | **2,907[40]** | **2,724[52]** | **2,912[344]** | **2,807[326]** | **2,826[249]** |
| – By inquiry[2] | 2,556[16] | 2,292[37] | 2,502[326] | 2,418[217] | 2,480[246] |
| – By full investigation[3] | 218[24] | 195[15] | 205[18] | 240[109] | 167[3] |
| – By mediation[4] | 133 | 237 | 205 | 149 | 179 |
| **Assessed and closed** | **2,067[34]** | **2,046[9]** | **1,926[9]** | **17,031[14,714]** | **27,195[24,906]** |
| – Insufficient grounds to pursue[5] | 1,102 | 1,099 | 1,037[9] | 8,676[7,496] | 1,295[203] |
| – Legally bound[6] | 965[34] | 947[9] | 889 | 8,355[7,218] | 25,900[24,703] |
| **(c) Percentage completed = (b) / (a)** | **86.8%** | **85.4%** | **83.3%** | **95.7%** | **97.7%** |
| **(d) Carried forward = (a) – (b)** | **758** | **817** | **970** | **899** | **692** |
| **Direct investigations completed** | **11** | **12** | **12** | **10** | **9** |

Note 1. From 1 April to 31 March of the next year.

Note 2. Pursued under section 11A of The Ombudsman Ordinance, for general cases.

Note 3. Pursued under section 12 of The Ombudsman Ordinance, for complex cases possibly involving serious maladministration, systemic flaws, etc.

Note 4. Pursued under section 11B of The Ombudsman Ordinance, for cases involving no, or only minor, maladministration.

Note 5. Not pursued but closed for reasons such as lack of *prima facie* evidence, organisation concerned is taking action, mere expression of opinion.

Note 6. Outside the Office's jurisdiction or restricted by The Ombudsman Ordinance.

[ ] Number of topical complaints.

– See "Glossary of Terms" in Chapter 1 for detailed definitions of the above terms.

Annex 4

# Complaints Received and Complaints Pursued & Concluded

| Organisation | No. of complaints received | No. of complaints pursued and concluded[1] |
|---|---|---|
| Agriculture, Fisheries and Conservation Department | 28 | 13 |
| Airport Authority | 2 | 5 |
| Architectural Services Department | 12 | 3 |
| Audit Commission | 1 | 0 |
| Auxiliary Medical Service | 6 | 1 |
| Buildings Department | 210 | 175 |
| Census and Statistics Department | 1 | 0 |
| Civil Aid Service | 4 | 1 |
| Civil Aviation Department | 6 | 6 |
| Civil Engineering and Development Department | 14 | 7 |
| Companies Registry | 14 | 5 |
| Competition Commission | 1 | 0 |
| Consumer Council | 18 | 8 |
| Correctional Services Department | 116 | 107 |
| Customs and Excise Department | 42 | 18 |
| Department of Health | 88 | 47 |
| Department of Justice | 17 | 10 |
| Drainage Services Department | 18 | 8 |
| Electrical and Mechanical Services Department | 31 | 20 |
| Employees Retraining Board | 7 | 3 |
| Environmental Protection Department | 50 | 22 |
| Equal Opportunities Commission | 8 | 3 |
| Estate Agents Authority | 123 | 112 |
| Fire Services Department | 40 | 17 |
| Food and Environmental Hygiene Department | 483 | 303 |

| Organisation | No. of complaints received | No. of complaints pursued and concluded[1] |
|---|---|---|
| General Office of the Chief Executive's Office | 18 | 2 |
| Government Flying Service | 45 | 0 |
| Government Logistics Department | 6 | 4 |
| Government Property Agency | 4 | 0 |
| Government Secretariat | | |
| – Chief Secretary for Administration's Office | 14 | 5 |
| – Chief Secretary for Administration's Private Office | 7 | 3 |
| – Civil Service Bureau | 83 | 1 |
| – Commerce and Economic Development Bureau | 12 | 4 |
| – Constitutional and Mainland Affairs Bureau | 4 | 2 |
| – Development Bureau | 15 | 14 |
| – Education Bureau | 109 | 52 |
| – Environment Bureau | 1 | 0 |
| – Financial Secretary's Office | 5 | 0 |
| – Financial Services and the Treasury Bureau | 4 | 2 |
| – Food and Health Bureau | 26 | 8 |
| – Home Affairs Bureau | 22 | 4 |
| – Innovation and Technology Bureau | 103 | 73 |
| – Labour and Welfare Bureau | 8 | 4 |
| – Policy Innovation and Co-ordination Office | 131 | 51 |
| – Security Bureau | 6 | 8 |
| – Transport and Housing Bureau | 17 | 19 |
| Highways Department | 84 | 64 |
| Home Affairs Department | 12,298 | 73 |
| Hong Kong Arts Development Council | 1 | 0 |
| Hong Kong Housing Authority | 18 | 6 |
| Hong Kong Housing Society | 23 | 13 |
| Hong Kong Monetary Authority | 25 | 14 |
| Hong Kong Observatory | 2 | 1 |
| Hong Kong Police Force | 220 | 35 |
| Hong Kong Sports Institute Limited | 2 | 0 |
| Hospital Authority | 154 | 39 |
| Housing Department | 562 | 354 |

| Organisation | No. of complaints received | No. of complaints pursued and concluded[1] |
|---|---|---|
| Immigration Department | 97 | 71 |
| Independent Commission Against Corruption | 6 | 1 |
| Information Services Department | 3 | 1 |
| Inland Revenue Department | 57 | 30 |
| Insurance Authority | 7 | 4 |
| Intellectual Property Department | 3 | 2 |
| Invest Hong Kong | 1 | 0 |
| Judiciary Administrator | 9 | 7 |
| Labour Department | 31 | 24 |
| Land Registry | 1 | 1 |
| Lands Department | 12,421 | 160 |
| Legal Aid Department | 47 | 30 |
| Legislative Council Secretariat | 3 | 0 |
| Leisure and Cultural Services Department | 168 | 107 |
| Mandatory Provident Fund Schemes Authority | 10 | 3 |
| Marine Department | 10 | 3 |
| Office of the Communications Authority | 20 | 8 |
| Official Receiver's Office | 12 | 4 |
| Other Organisations[2] | 485 | 9 |
| Planning Department | 19 | 10 |
| Post Office | 96 | 73 |
| Privacy Commissioner for Personal Data | 12 | 6 |
| Property Management Services Authority | 7 | 4 |
| Radio Television Hong Kong | 204 | 8 |
| Rating and Valuation Department | 12 | 9 |
| Registration and Electoral Office | 12 | 8 |
| Securities and Futures Commission | 147 | 135 |
| Social Welfare Department | 118 | 58 |

| Organisation | No. of complaints received | No. of complaints pursued and concluded[1] |
|---|---|---|
| The Hong Kong Examinations and Assessment Authority | 14 | 14 |
| Trade and Industry Department | 3 | 3 |
| Transport Department | 232 | 168 |
| Treasury | 4 | 1 |
| Urban Renewal Authority | 10 | 3 |
| Vocational Training Council | 10 | 3 |
| Water Supplies Department | 125 | 86 |
| West Kowloon Cultural District Authority | 4 | 3 |
| Working Family and Student Financial Assistance Agency | 25 | 20 |
| **Total** | **29,814** | **2,826** |

Note 1. Including the complaints received in the previous year but pursued and concluded in the prevailing year.

Note 2. "Other Organisations" are organisations falling outside Schedule 1 to The Ombudsman Ordinance.

Annex 5

# Results of Complaints Concluded by Inquiry

| Organisation | No. of complaints concluded by inquiry | Cases with inadequacies/ deficiencies found |
|---|---|---|
| Agriculture, Fisheries and Conservation Department | 10 | 2 |
| Airport Authority | 2 | 1 |
| Architectural Services Department | 2 | 0 |
| Auxiliary Medical Service | 1 | 0 |
| Buildings Department | 144 | 46 |
| Civil Aid Service | 1 | 0 |
| Civil Aviation Department | 6 | 1 |
| Civil Engineering and Development Department | 5 | 0 |
| Companies Registry | 5 | 0 |
| Consumer Council | 7 | 0 |
| Correctional Services Department | 100 | 1 |
| Customs and Excise Department | 17 | 1 |
| Department of Health | 43 | 7 |
| Department of Justice | 10 | 0 |
| Drainage Services Department | 7 | 0 |
| Electrical and Mechanical Services Department | 19 | 3 |
| Employees Retraining Board | 3 | 0 |
| Environmental Protection Department | 21 | 3 |
| Equal Opportunities Commission | 3 | 0 |
| Estate Agents Authority | 112 | 1 |
| Fire Services Department | 12 | 0 |
| Food and Environmental Hygiene Department | 261 | 69 |

| Organisation | No. of complaints concluded by inquiry | Cases with inadequacies/ deficiencies found |
|---|---|---|
| General Office of the Chief Executive's Office | 2 | 0 |
| Government Secretariat | | |
| – Chief Secretary for Administration's Office | 4 | 1 |
| – Chief Secretary for Administration's Private Office | 1 | 0 |
| – Civil Service Bureau | 1 | 0 |
| – Commerce and Economic Development Bureau | 4 | 1 |
| – Constitutional and Mainland Affairs Bureau | 2 | 0 |
| – Development Bureau | 9 | 2 |
| – Education Bureau | 33 | 6 |
| – Financial Services and the Treasury Bureau | 2 | 0 |
| – Food and Health Bureau | 5 | 2 |
| – Home Affairs Bureau | 4 | 0 |
| – Innovation and Technology Bureau | 73 | 13 |
| – Labour and Welfare Bureau | 3 | 0 |
| – Policy Innovation and Co-ordination Office | 51 | 19 |
| – Security Bureau | 5 | 2 |
| – Transport and Housing Bureau | 19 | 3 |
| Highways Department | 59 | 14 |
| Home Affairs Department | 61 | 11 |
| Hong Kong Housing Authority | 5 | 0 |
| Hong Kong Housing Society | 13 | 1 |
| Hong Kong Monetary Authority | 14 | 0 |
| Hong Kong Observatory | 1 | 0 |
| Hong Kong Police Force | 17 | 1 |
| Hospital Authority | 34 | 2 |
| Housing Department | 305 | 28 |

## Annex 5 Results of Complaints Concluded by Inquiry

| Organisation | No. of complaints concluded by inquiry | Cases with inadequacies/ deficiencies found |
|---|---|---|
| Immigration Department | 54 | 3 |
| Independent Commission Against Corruption | 1 | 0 |
| Information Services Department | 1 | 1 |
| Inland Revenue Department | 26 | 2 |
| Insurance Authority | 4 | 1 |
| Intellectual Property Department | 2 | 2 |
| Judiciary Administrator | 7 | 1 |
| Labour Department | 21 | 2 |
| Land Registry | 1 | 0 |
| Lands Department | 150 | 28 |
| Legal Aid Department | 30 | 1 |
| Leisure and Cultural Services Department | 95 | 15 |
| Mandatory Provident Fund Schemes Authority | 3 | 0 |
| Marine Department | 3 | 0 |
| Office of the Communications Authority | 8 | 0 |
| Official Receiver's Office | 3 | 1 |
| Other Organisations[1] | 9 | 0 |
| Planning Department | 10 | 1 |
| Post Office | 59 | 23 |
| Privacy Commissioner for Personal Data | 6 | 1 |
| Property Management Services Authority | 4 | 0 |
| Radio Television Hong Kong | 6 | 0 |
| Rating and Valuation Department | 9 | 2 |
| Registration and Electoral Office | 6 | 3 |

| Organisation | No. of complaints concluded by inquiry | Cases with inadequacies/ deficiencies found |
|---|---|---|
| Securities and Futures Commission | 135 | 0 |
| Social Welfare Department | 50 | 1 |
| The Hong Kong Examinations and Assessment Authority | 12 | 0 |
| Trade and Industry Department | 3 | 0 |
| Transport Department | 151 | 19 |
| Treasury | 1 | 0 |
| Urban Renewal Authority | 3 | 0 |
| Vocational Training Council | 2 | 0 |
| Water Supplies Department | 68 | 8 |
| West Kowloon Cultural District Authority | 2 | 0 |
| Working Family and Student Financial Assistance Agency | 17 | 1 |
| **Total** | **2,480** | **357** |

Note 1. "Other Organisations" are organisations falling outside Schedule 1 to The Ombudsman Ordinance.

Annex 6

# Index of Cases Concluded by Full Investigation

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| **Agriculture, Fisheries and Conservation Department** | | | |
| 2019/5157 | Giving a sloppy reply to the complainant regarding his report that police officers had allegedly violated the Prevention of Cruelty to Animals Ordinance, and accepting the Police's judgement without conducting any investigation | Partially substantiated | 0 |
| 2019/5409 | (1) Perfunctorily investigating a dog bite case and dismissing it as having "insufficient evidence" (unsubstantiated); and<br>(2) Poor and supercilious staff attitude, and mishandling of the case (unsubstantiated) | Unsubstantiated | 0 |
| 2020/0420 | Ineffective control against wild pig nuisance in the Peak area | Unsubstantiated | 0 |
| **Airport Authority** | | | |
| 2019/3760<br>2019/3766 | Failing to adopt proper measures, resulting in two mainland passengers being assaulted and detained respectively by assembly participants at the Hong Kong International Airport on the evening of 13 August 2019 | Unsubstantiated | 0 |
| 2019/4728 | Failing to properly manage the Hong Kong International Airport and adopt contingency measures in a timely manner for the interests of passengers, resulting in the grounding of some outbound flights on the afternoons of 12 and 13 August 2019 | Unsubstantiated | 0 |
| **Architectural Services Department** | | | |
| 2019/3570 | (1) Failing to properly monitor the construction work of the cover for the passageway outside an MTR station, causing delay in re-opening the passageway for public use (unsubstantiated);<br>(2) Poor design of the cover for protection against rain and sunshine (partially substantiated);<br>(3) Delay in adding the sun-shield layer to the glass cover (unsubstantiated); and<br>(4) Failing to consult the District Council on the design of the cover (unsubstantiated) | Partially substantiated | 1 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| **Buildings Department** | | | |
| 2019/2585B | Mishandling a seepage complaint, causing delay in issuing a Nuisance Notice | Partially substantiated | 0 |
| 2019/3970B | Delay and impropriety in handling a seepage complaint | Unsubstantiated | 0 |
| 2020/1946(I) | (1) Partially withholding the requested information (substantiated);<br>(2) Unreasonably levying a charge for providing the information (unsubstantiated);<br>(3) Requesting the complainant to pay at its headquarters in person, thereby causing him undue inconvenience (unsubstantiated);<br>(4) Failing to assign, according to the Code on Access to Information, a directorate officer one rank senior to the officer who made the original decision to consider the request for review (partially substantiated); and<br>(5) Failing to advise him of the channel to complain to this Office according to the Code on Access to Information (substantiated) | Partially substantiated | 1 |
| **Civil Engineering and Development Department** | | | |
| 2020/0193A | Staff walking out of a District Council meeting upon the tabling of a motion by councillors | Unsubstantiated | 0 |
| 2020/1562 | Improper design of a section of cycle track resulting in flooding and serious traffic accidents occurred on the carriageway near the village entrance | Unsubstantiated | 0 |
| **Correctional Services Department** | | | |
| 2019/2880 | Making it difficult for the complainant to obtain the complaint form of the Office of The Ombudsman | Unsubstantiated | 0 |
| 2019/2947 | Staff intentionally confining the complainant to the institution hospital during an inspection of the institution by Justices of the Peace ("JPs"), thereby preventing him from complaining to the JPs | Inconclusive | 0 |
| 2019/2952 | Unavailability of underwear laundry service for inmates | Inconclusive | 1 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| 2020/0577(I) | Refusing to provide information about the production and distribution of surgical masks between 2017 and 2019 | Substantiated | 1 |
| 2020/0912(I) | Refusing to provide information about the production and distribution of surgical masks between 2015 and 2019 | Substantiated | 1 |
| 2020/0971(I) | Refusing to provide information about the surgical masks produced and distributed by the Department | Substantiated | 1 |
| 2020/1006(I) | Refusing to provide information about the production and distribution of surgical masks in 2019 | Substantiated | 1 |
| **Customs and Excise Department** | | | |
| 2020/2075(I) | Refusing to provide information about the quantities of personal protective equipment distributed to the Department and its stock levels in 2020 | Partially substantiated | 1 |
| **Department of Health** | | | |
| 2020/1710 | (1) Unreasonably requiring patients to make the first appointment in person (substantiated); and<br>(2) A hotline staff member being unfriendly and unhelpful (unsubstantiated) | Partially substantiated | 3 |
| 2020/2077(I) | Refusing to provide information about the quantities of personal protective equipment distributed to the Department and its stock levels in 2020 | Partially substantiated | 1 |
| **Electrical and Mechanical Services Department** | | | |
| 2019/5153 | (1) Unreasonably refusing the complainant's application for registration as a lift engineer (unsubstantiated); and<br>(2) Disparity in treatment of different cohorts of applicants (unsubstantiated) | Unsubstantiated | 0 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| **Environmental Protection Department** | | | |
| 2020/0943 | (1) Unreasonably locking the main gate of a facility before the complainant left the site (inconclusive but other inadequacies found);<br>(2) Intentionally detaining the complainant inside the facility (inconclusive); and<br>(3) An officer refusing to disclose his identity to the complainant (substantiated) | Partially substantiated | 0 |
| **Fire Services Department** | | | |
| 2020/0456 | No prosecution instituted for the excessive storage of dangerous goods at a construction site | Unsubstantiated | 0 |
| 2020/1174A | (1) Failing to inform the public of a new requirement on vehicles conveying dangerous goods, draw up guidelines and set a grace period for vehicle owners (partially substantiated); and<br>(2) Unreasonably refusing to renew the licence for the goods vehicle of the complainant's company (unsubstantiated) | Partially substantiated | 0 |
| 2020/2048 | Failing to take enforcement action against four distilleries for manufacture of potable spirits without the Licences for the Manufacture of Dangerous Goods | Unsubstantiated | 0 |
| 2020/2072(I) | Refusing to provide information about the quantities of personal protective equipment distributed to the Department and its stock levels in 2020 | Partially substantiated | 1 |
| **Food and Environmental Hygiene Department** | | | |
| 2019/2585A | Delay in following up a seepage complaint | Unsubstantiated | 0 |
| 2019/3334A | Failing to take proper action against two wall stalls that encroached on about half of a pavement | Unsubstantiated | 1 |
| 2019/3970A | Delay and impropriety in handling a seepage complaint | Partially substantiated | 0 |
| 2019/4321 | Improperly issuing a Temporary Places of Public Entertainment Licence for an applicant to stage ritual operas | Unsubstantiated | 1 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| 2020/0193B | Staff walking out of a District Council meeting upon the tabling of a motion by councillors | Unsubstantiated | 0 |
| 2020/0507A | Failing to properly tackle the obstruction of a public place by recycling cages | Partially substantiated | 1 |
| 2020/0890 | (1) No enforcement action against a suspected unlicensed restaurant (unsubstantiated);<br>(2) Failing to conduct investigation according to established procedures (unsubstantiated); and<br>(3) Refusing to provide its staff's telephone number and the relevant investigation report (unsubstantiated) | Unsubstantiated | 0 |
| 2020/1221 | Failing to monitor a contractor's performance in refuse collection, resulting in environmental hygiene problem | Substantiated | 3 |
| 2020/1331B | Failing to properly follow up the rodent infestation problem of an elderly home | Unsubstantiated | 0 |
| 2020/1400B | Failing to perform its duties in handling a complaint | Partially substantiated | 1 |
| 2020/1763C | Failing to take effective action to tackle the problem of street sleepers at a public pier | Unsubstantiated | 0 |
| 2020/1788 | Failing to take effective control against shop front extension of fruit and vegetable shops | Partially substantiated | 1 |
| 2020/1833A | (1) Ineffective enforcement against the disposal of construction materials/wastes on a pavement and shirking of responsibility (partially substantiated); and<br>(2) Not invoking the Summary Offences Ordinance to prosecute the offenders, nor giving specific reply to the complainant's email (unsubstantiated) | Partially substantiated | 1 |
| 2020/2017(I) | Refusing to provide information about the quantities of personal protective equipment distributed to the Department and its stock levels in 2020 | Partially substantiated | 1 |
| 2020/3222 | Failing to step up enforcement action against two unlicensed barbeque sites | Unsubstantiated | 4 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| **Government Logistics Department** | | | |
| 2020/0957(I) | (1) Refusing to provide information about the procurement and distribution of surgical masks between 2017 and 2020 (substantiated); and<br>(2) Delay in handling the request for information (substantiated) | Substantiated | 1 |
| 2020/0964(I) | Refusing to provide information about the distribution of personal protective equipment between 2017 and 2019 | Partially substantiated | 1 |
| 2020/1426(I) | Refusing to provide information about the distribution of surgical masks between 2015 and 2019 | Substantiated | 2 |
| 2020/2073(I) | Refusing to provide information about the procurement of surgical masks and the distribution of personal protective equipment in 2020 | Partially substantiated | 1 |
| **Government Secretariat – Chief Secretary for Administration's Office** | | | |
| 2020/0283(I) | Refusing to provide information about the appointment of an individual as the representative of a country in Hong Kong | Unsubstantiated | 0 |
| **Government Secretariat – Development Bureau** | | | |
| 2019/5722 | Failing to assume responsibility for preserving some heritage items | Partially substantiated | 0 |
| 2020/0128 | Wrongly assessing the conditions of some heritage items | Unsubstantiated | 0 |
| 2020/0193C | Staff failing to attend a District Council meeting | Unsubstantiated | 0 |
| 2020/0843B<br>2020/0844B | Failing to invite tenders before engaging a contractor to build a quarantine centre at Penny's Bay | Unsubstantiated | 0 |
| **Government Secretariat – Education Bureau** | | | |
| 2020/1787 | Improper handling of two applications for student grant | Unsubstantiated | 0 |
| 2020/2018 | Improper handling of the application for student grant and delay in disbursement | Unsubstantiated | 0 |
| 2020/2026 | Impropriety in handling an application under the Hong Kong Scholarship for Excellence Scheme | Unsubstantiated | 0 |
| 2020/2150 | Faulty design of application form for student grant and improper handling of the application | Partially substantiated | 0 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| 2020/2731(I) | Refusing to provide the lists of schools that had opted for creating a regular School Executive Officer post and receiving the School Executive Officer Grant, under the "One Executive Officer for Each School" policy | Partially substantiated | 1 |
| 2020/3333(I) | Refusing to disclose information about the professional team set up to provide comments on "textbooks" of senior secondary Liberal Studies, including the number of members by specific occupation and academic background, and the number of meetings held by the team | Unsubstantiated | 0 |
| 2020/3341(I) | Refusing to disclose the name list of all members of the professional team set up to provide comments on "textbooks" of senior secondary Liberal Studies | Unsubstantiated | 0 |
| **Government Secretariat – Food and Health Bureau** | | | |
| 2020/0843A<br>2020/0844A | Failing to invite tenders before engaging a contractor to build a quarantine centre at Penny's Bay | Unsubstantiated | 0 |
| **Government Secretariat – Security Bureau** | | | |
| 2019/5852(I) | Refusing to disclose information regarding the written submissions received by the Government on the proposed amendments to the Mutual Legal Assistance in Criminal Matters Ordinance and the Fugitive Offenders Ordinance | Substantiated | 0 |
| 2020/1138(I) | Refusing to disclose a document's title and its number of pages | Unsubstantiated | 0 |
| 2020/1874A(I) | Refusing to disclose the daily number of tear gas rounds used by the Police, with a breakdown by police district | Unsubstantiated | 0 |
| **Highways Department** | | | |
| 2020/1400A | Failing to perform its duties in handling a complaint | Partially substantiated | 1 |
| 2020/1833C | Ineffective enforcement against the disposal of construction materials/wastes on a pavement and shirking of responsibility | Partially substantiated | 1 |
| 2020/2530A | Delay in conducting feasibility study on converting a piece of leisure land into a road | Unsubstantiated | 1 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| **Home Affairs Department** | | | |
| 2020/0193D | Staff walking out of a District Council meeting upon the tabling of a motion by councillors | Unsubstantiated | 0 |
| 2020/1195 | Staff walking out of a District Council meeting upon the discussion of an issue by councillors and failing to provide secretarial support | Unsubstantiated | 0 |
| 2020/1419 | Unreasonably requesting a District Council to suspend or cancel the meeting of its committee | Unsubstantiated | 0 |
| 2020/1663 | Staff walking out of a District Council meeting upon the discussion of an issue by councillors and failing to provide secretarial support | Unsubstantiated | 0 |
| 2020/1990 | Unreasonably refusing to include a motion and the relevant discussion in the District Council's minutes | Unsubstantiated | 0 |
| 2020/2002 | (1) Failing to provide support for a District Council committee (unsubstantiated); and<br>(2) Staff walking out of a District Council meeting upon the discussion of certain issues by councillors (unsubstantiated) | Unsubstantiated | 0 |
| 2020/2135 | (1) Failing to implement a motion passed by the District Council to suspend a works project (unsubstantiated); and<br>(2) Failing to implement a motion passed by the District Council to lodge a written complaint with this Office (unsubstantiated but other inadequacies found) | Unsubstantiated but other inadequacies found | 0 |
| 2020/2585(I) | Failing to provide the District Council with information about a works project | Partially substantiated | 2 |
| 2020/2590 | Failing to provide support for a District Council committee and its working groups | Unsubstantiated | 0 |
| **Hong Kong Police Force** | | | |
| 2019/2962(I) | Refusing to disclose the amount and cost of ammunition used in an operation | Unsubstantiated but other inadequacies found | 0 |
| 2019/2963(I) | Refusing to disclose the names and staff numbers of police officers engaged in an operation | Partially substantiated | 0 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| 2019/3702(I) | Unreasonably refusing to disclose the headings of all chapters in the Police General Orders | Substantiated | 1 |
| 2019/5038(I) | Refusing to disclose the names, ranks and staff numbers of all police officers engaged in an operation | Unsubstantiated but other inadequacies found | 0 |
| 2019/5225(I) | Failing to provide information about the lighting equipment used by the Police in compliance with the Code on Access to Information | Partially substantiated | 1 |
| 2019/5496(I) | Refusing to disclose whether or not frontline police officers had been provided with lighting equipment, and the name, brand, model and use of the equipment, as well as the use guidelines | Unsubstantiated but other inadequacies found | 0 |
| 2019/5497(I) | Refusing to disclose the purpose of Police's firing of blue-dyed water from specialised crowd management vehicles and the dye's ingredients | Unsubstantiated | 0 |
| 2019/5498(I) | Refusing to provide the table of contents of the guidelines for operating specialised crowd management vehicles | Unsubstantiated but other inadequacies found | 0 |
| 2019/5523(I) | Refusing to provide information about all police quarters in Hong Kong | Unsubstantiated | 0 |
| 2019/5804(I) | Refusing to disclose the cost for procurement of tear gas rounds between 2014 and 2019 | Unsubstantiated but other inadequacies found | 0 |
| 2019/5816(I) | Refusing to provide the ingredients and brands of tear gas rounds used by the Police and coloured water sprayed by the specialised crowd management vehicles | Unsubstantiated | 0 |
| 2020/0205(I) | Refusing to disclose the particulars of procurement of tear gas rounds between 2014 and 2019 | Unsubstantiated | 0 |
| 2020/0440(I) | Refusing to provide the monthly breakdown of complaints received by the Complaints Against Police Office related to public order events since 9 June 2019 and other related statistics | Partially substantiated | 1 |
| 2020/1026(I) | Refusing to disclose the prices, lot numbers, expiry dates and countries of origin of the tear gas rounds procured by the Hong Kong Police Force | Unsubstantiated | 0 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| 2020/1874B(I) | Refusing to disclose the daily number of tear gas rounds used by the Police, with a breakdown by police district, the daily number of public order events by district, and six items of information related to those public order events | Unsubstantiated | 0 |
| 2020/2074(I) | Refusing to provide information about the quantities of personal protective equipment distributed to the Department and its stock levels in 2020 | Partially substantiated | 1 |
| 2020/2279(I) | Refusing to provide information about seizure and disposal of illicit drugs by the Hong Kong Police Force | Unsubstantiated but other inadequacies found | 1 |
| 2020/2710(I) | Refusing to provide information about the amendments to a chapter of the Police General Orders or the exemptions granted in relation to that chapter | Unsubstantiated | 0 |
| **Hospital Authority** | | | |
| 2020/0431 | (1) Delay in issuing a medical report (unsubstantiated); and<br>(2) Issuing an improper medical report (unsubstantiated) | Unsubstantiated | 0 |
| 2020/2885 | Improperly handling a complaint against a doctor for abuse of power and smearing the complainant's lexical choice | Unsubstantiated | 0 |
| **Housing Department** | | | |
| 2019/4924A | Rejecting the complainant's rehousing applications with unreasonable and discriminatory reasons | Unsubstantiated but other inadequacies found | 4 |
| 2020/1514 | Failing to comply with policy to recover a public housing unit and reallocate it to the complainant, who was granted the custody of her son, and delay in handling her case | Unsubstantiated | 0 |
| 2020/1803 | Failing to make proper arrangements for collection and disposal of junk in a public housing estate | Unsubstantiated | 0 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| 2020/2314(I) | (1) Delay in handling water seepage complaint (unsubstantiated but other inadequacies found); and<br>(2) Refusing to provide information (substantiated) | Partially substantiated | 1 |
| 2020/2477 | Mishandling the complaint against public housing tenants for unauthorised dog keeping | Partially substantiated | 4 |
| 2020/2812 | (1) Unreasonably handing in the applications for displaying posters in a public housing estate to its headquarters for approval (unsubstantiated);<br>(2) Lack of transparency in its vetting procedures (partially substantiated);<br>(3) Delay in handling the applications (unsubstantiated but other inadequacies found); and<br>(4) Failing to update the applicants on the progress of poster vetting (substantiated) | Partially substantiated | 3 |
| **Immigration Department** | | | |
| 2019/5265(I) | Unreasonably refusing the complainant's request for the guidelines on processing dependent visa applications | Unsubstantiated | 0 |
| 2019/5268 | Impropriety in introducing new arrangement with respect to the application for searching the records of birth registration/marriage in Hong Kong and obtaining a certified copy, allegedly in breach of existing legislation and seriously undermining press freedom and the right of public access to information | Partially substantiated | 3 |
| 2019/5377(I) | Unreasonably refusing the complainant's request for the Immigration Service Manuals and standing orders | Unsubstantiated | 0 |
| 2019/5378(I) | Unreasonably refusing the complainant's request for deportation assessment criteria and relevant guidelines | Unsubstantiated | 0 |

| Case No. | Complaint | Overall Conclusion | No. of Recommendations |
|---|---|---|---|
| 2019/5611 | Unjustified delay in providing a person's records of birth registration and marriage in Hong Kong, in breach of performance pledge and seriously undermining press freedom and the right of public access to information | Partially substantiated | 5 |
| 2020/0041 | Delay in handling the complainant's application for a search of the marriage records in Hong Kong, and unlawfully requiring him to justify his application | Unsubstantiated but other inadequacies found | 3 |
| 2020/0504 | (1) Unreasonably changing the application requirements and approval criteria for searching the marriage records in Hong Kong, allegedly in breach of the Marriage Ordinance (unsubstantiated);<br>(2) Failing to make announcement and publish on its website the relevant guidelines and circulars before implementation of the new arrangement, which was also unknown to its hotline staff (partially substantiated);<br>(3) Non-compliance on the part of the Marriage Registry with the circular issued by the Immigration Department and unilaterally changing the criteria for approving applications (unsubstantiated);<br>(4) Delay in handling the complainant's application and failing to give a written reply to his email (unsubstantiated); and<br>(5) Unfairness in assigning an officer who had never handled the case to sign the reply letter (unsubstantiated) | Partially substantiated | 3 |
| 2020/2076(I) | Refusing to provide information about the quantities of personal protective equipment distributed to the Department and its stock levels in 2020 | Partially substantiated | 1 |
| 2020/2730 | Refusing the complainant's application for a search of marriage records, with no opportunity to furnish supplementary information and no appeal channel | Unsubstantiated | 2 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| **Inland Revenue Department** | | | |
| 2019/4506(I) | (1) Failing to provide at the complainant's request the number of prosecutions against residential property buyers for misrepresentation (unsubstantiated);<br>(2) Improperly refusing to disclose whether the Department had been consulted by the Government when the doubled *ad valorem* stamp duty was introduced (unsubstantiated); and<br>(3) Providing the complainant with an invalid hyperlink (partially substantiated) | Partially substantiated | 2 |
| 2020/2466(I) | Refusing to provide details of the standard amount for deduction of uniform laundry expenses | Unsubstantiated | 0 |
| **Labour Department** | | | |
| 2020/0596 | (1) Delay in processing the complainant's applications for renewal of employment agency licence and failure to answer the related enquiries (unsubstantiated);<br>(2) Backdating the effective date of the renewed licence while prohibiting the complainant from operating between the expiry date of its previous licence and the issuance date of the renewed licence (unsubstantiated); and<br>(3) Refusing to refund the licence renewal fee on a *pro rata* basis (unsubstantiated) | Unsubstantiated | 0 |
| 2020/1174B | (1) Failing to inform the public of a new requirement on vehicles conveying dangerous goods, draw up guidelines and set a grace period for vehicle owners (substantiated); and<br>(2) Unreasonably requiring vehicle owners to install warning lights on the back of a vehicle's tail lift (unsubstantiated) | Partially substantiated | 2 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| **Lands Department** | | | |
| 2019/5702 | Delay in handling the complainant's redevelopment application | Unsubstantiated | 0 |
| 2020/0193F | Staff failing to attend a District Council meeting | Unsubstantiated | 0 |
| 2020/0507B | Failing to properly tackle the obstruction of a public place by recycling cages | Unsubstantiated | 1 |
| 2020/1763B | Failing to take effective action to tackle the problem of street sleepers at a public pier | Unsubstantiated | 0 |
| 2020/1833B | Ineffective enforcement against the disposal of construction materials/wastes on a pavement and shirking of responsibility | Partially substantiated | 1 |
| 2020/2530C | Delay in conducting feasibility study on converting a piece of leisure land into a road | Unsubstantiated | 0 |
| 2020/2899 | Taking no enforcement action against occupation of Government land | Substantiated | 1 |
| **Leisure and Cultural Services Department** | | | |
| 2019/5606 | Lengthy processing of applications for booking the practice rooms at a performance venue | Unsubstantiated | 0 |
| 2020/0193G | Staff walking out of a District Council meeting upon the tabling of a motion by councillors | Unsubstantiated | 0 |
| **Official Receiver's Office** | | | |
| 2020/2509 | (1) Delay in returning items belonging to the bankrupt's mother stored in the safe deposit box ("SDB") under their joint names (partially substantiated);<br>(2) Inconsistent replies regarding the criteria for returning items in the SDB (unsubstantiated);<br>(3) Unreasonably requiring the designs of jewellery in the SDB to be clearly shown in the old photographs provided by the bankrupt and his mother (unsubstantiated);<br>(4) Unreasonably asking for proof that items in the SDB were gifts from the bankrupt's deceased father to his mother (unsubstantiated); and<br>(5) Only agreeing to partial return of items in the SDB belonging to the bankrupt's mother (unsubstantiated but other inadequacies found) | Partially substantiated | 2 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| **Post Office** | | | |
| 2019/5855 | Failing to provide clear information on posting of dangerous articles via air transportation and refusing to refund postage after unidentified liquid was found in mail item | Unsubstantiated but other inadequacies found | 0 |
| 2020/1078 | (1) Delaying the handover of mail items to airline (unsubstantiated); and<br>(2) Unreasonably changing the conveyance mode from air to surface (unsubstantiated) | Unsubstantiated | 1 |
| 2020/1123 | Unreasonably changing the conveyance mode of a mail item from air to surface | Unsubstantiated | 1 |
| 2020/1177 | Unreasonably changing the conveyance mode of a mail item from air to surface | Unsubstantiated | 1 |
| 2020/1344 | (1) Failing to provide information about the extra tracking points for a mail item sent by e-Express service (unsubstantiated); and<br>(2) Unreasonably changing the conveyance mode from air to surface (unsubstantiated) | Unsubstantiated | 1 |
| 2020/2446 | (1) Delay in handling an application for circular service (unsubstantiated);<br>(2) Unreasonably withdrawing the approval of application (substantiated);<br>(3) Lack of concrete response to the complainant's enquiries regarding progress of vetting (unsubstantiated);<br>(4) Lack of explanation for the rejection of application (unsubstantiated); and<br>(5) Lack of appeal mechanism (unsubstantiated) | Partially substantiated | 0 |
| 2020/3028 | (1) Lack of clear explanation for rejecting an application for circular service (unsubstantiated);<br>(2) Lack of criteria in vetting applications for circular service (inconclusive); and<br>(3) Failing to provide the applicant with useful information to facilitate the compliance with its vetting criteria (unsubstantiated but other inadequacies found) | Unsubstantiated but other inadequacies found | 0 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
| --- | --- | --- | --- |
| 2020/3719 | (1) Unreasonably suspending the requirement of obtaining signature from recipients during the pandemic (unsubstantiated); and<br>(2) Failing to ensure the quality of delivery service after suspending the above requirement (substantiated) | Partially substantiated | 1 |
| **Radio Television Hong Kong** | | | |
| 2020/0724(I) | Refusing to provide information related to the production of a television programme | Partially substantiated | 2 |
| 2020/2071(I) | Refusing to provide information about the quantities of personal protective equipment distributed to the Department and its stock levels in 2020 | Partially substantiated | 1 |
| **Registration and Electoral Office** | | | |
| 2020/2930(I) | Failing to provide the statistics on registered electors | Partially substantiated | 1 |
| **Social Welfare Department** | | | |
| 2019/1011 | Failing to properly follow up a complaint against a residential care home for the elderly | Partially substantiated | 2 |
| 2019/4924B | Failing to properly follow up the complainant's rehousing applications | Unsubstantiated but other inadequacies found | 5 |
| 2019/5022 | Wrongly alleging that the complainant was absent from Hong Kong for a period in excess of the permissible limit under the Higher Old Age Living Allowance, stopping the payment of allowance and requiring the complainant to reimburse the overpaid amount | Unsubstantiated | 0 |
| 2020/0442(I) | Refusing to provide the number of agency quota places of an elderly home | Substantiated | 1 |
| 2020/1197(I) | Unreasonably obliterating certain information from a document and delay in reply | Partially substantiated | 1 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| 2020/1331A | Failing to properly follow up a number of complaints against an elderly home according to the current monitoring mechanism | Unsubstantiated | 1 |
| 2020/2070(I) | Refusing to provide information about the quantities of personal protective equipment distributed to the Department and its stock levels in 2020 | Partially substantiated | 1 |
| **Transport Department** | | | |
| 2019/3334B | Failing to take proper action against two wall stalls that encroached on about half of a pavement | Unsubstantiated | 1 |
| 2019/5283 | Unreasonably refusing to install plastic bollards on a road section to prevent drivers from cutting the double white lines | Unsubstantiated | 1 |
| 2019/5708 | Issuing to a third party the Certificate of Particulars of Motor Vehicle showing the vehicle owner's personal particulars without his authorisation and consent | Unsubstantiated | 3 |
| 2020/0193H | Staff walking out of a District Council meeting upon the tabling of a motion by councillors | Unsubstantiated | 0 |
| 2020/1428 | Failing to adopt measures to prevent abuse of the mechanism for reporting defective vehicles, and delay in responding to the complainant's defence | Unsubstantiated | 0 |
| 2020/1431 | Failing to adopt measures to prevent abuse of the mechanism for reporting defective vehicles, and unreasonably rejecting the complainant's defence | Unsubstantiated | 0 |
| 2020/1763A | Failing to take effective action to tackle the problem of street sleepers at a public pier | Unsubstantiated | 0 |
| 2020/2530B | Delay in conducting feasibility study on converting a piece of leisure land into a road | Unsubstantiated | 1 |
| **Vocational Training Council** | | | |
| 2020/1334(R) | Unreasonably refusing to provide the administrative guidelines relating to staff performance, including completion of appraisal reports and mechanism of reward and punishment | Unsubstantiated | 2 |

| Case No. | Complaint | Overall Conclusion | No. of Recom-mendations |
|---|---|---|---|
| **Water Supplies Department** | | | |
| 2019/4069<br>2019/4089<br>2019/4133<br>2019/4137<br>and others | (1) Insufficient preparation before reconfiguration of the water distribution network, causing sediment to enter the water supply system (unsubstantiated);<br>(2) Wrongly alleging that the contamination of water supply was caused by the estate's internal pipework (unsubstantiated);<br>(3) Delay in resuming water supply after suspension (unsubstantiated);<br>(4) Failing to properly test the safety of potable water (unsubstantiated);<br>(5) Failing to replace the network's bitumen-lined and dilapidated pipes (unsubstantiated);<br>(6) Wrongly alleging that water suspension was caused by repair works carried out by consumers (substantiated); and<br>(7) Failing to address enquiries and compensation demands (unsubstantiated) | Partially substantiated | 2* |
| 2020/1968(I) | Failing to provide at the complainant's request information about pipework with bitumen linings in a district and research results regarding the impact on consumption safety and human health posed by bitumen in fresh water | Partially substantiated | 1 |
| **Working Family and Student Financial Assistance Agency** | | | |
| 2019/5277 | (1) Wrongly processing a student's complaint about poor teaching quality of a Continuing Education Fund reimbursable course operated by the complainant (unsubstantiated);<br>(2) Unreasonably requiring the complainant to respond to the complaint (unsubstantiated); and<br>(3) Failing to acknowledge receipt of the complainant's response and provide the investigation outcome (unsubstantiated) | Unsubstantiated | 0 |
| 2020/2242(I) | Refusing to provide all information relating to a complaint case in which a staff member was alleged to have made inappropriate remarks on social media | Unsubstantiated | 0 |

* Each case has two recommendations.

Annex 7

# Panel of Advisers

## Accountancy

Mr Tsai Wing Chung, Philip, BBS, JP

## Architecture, Engineering and Surveying

Ir Chan Chi Chiu, SBS
Sr Chan Yuk Ming, Raymond
Ir Dr Ho Chung Tai, Raymond, SBS, MBE, SB St J, JP
Dr Hung Wing Tat, MH
Ir Leung Kwong Ho, Edmund, SBS, OBE, JP
Professor Lim Wan Fung, Bernard Vincent, BBS, JP

## Legal

Mr Cheung Tat Ming, Eric
Mr Leung Wai Man, Raymond, SC
Dr Lo Pui Yin
Professor Stephen Thomson
Mr Wong Man Kit, Anson, SC
Ms Wong Pui Sze, Priscilla, BBS, JP *(Term ended on 31 August 2020)*

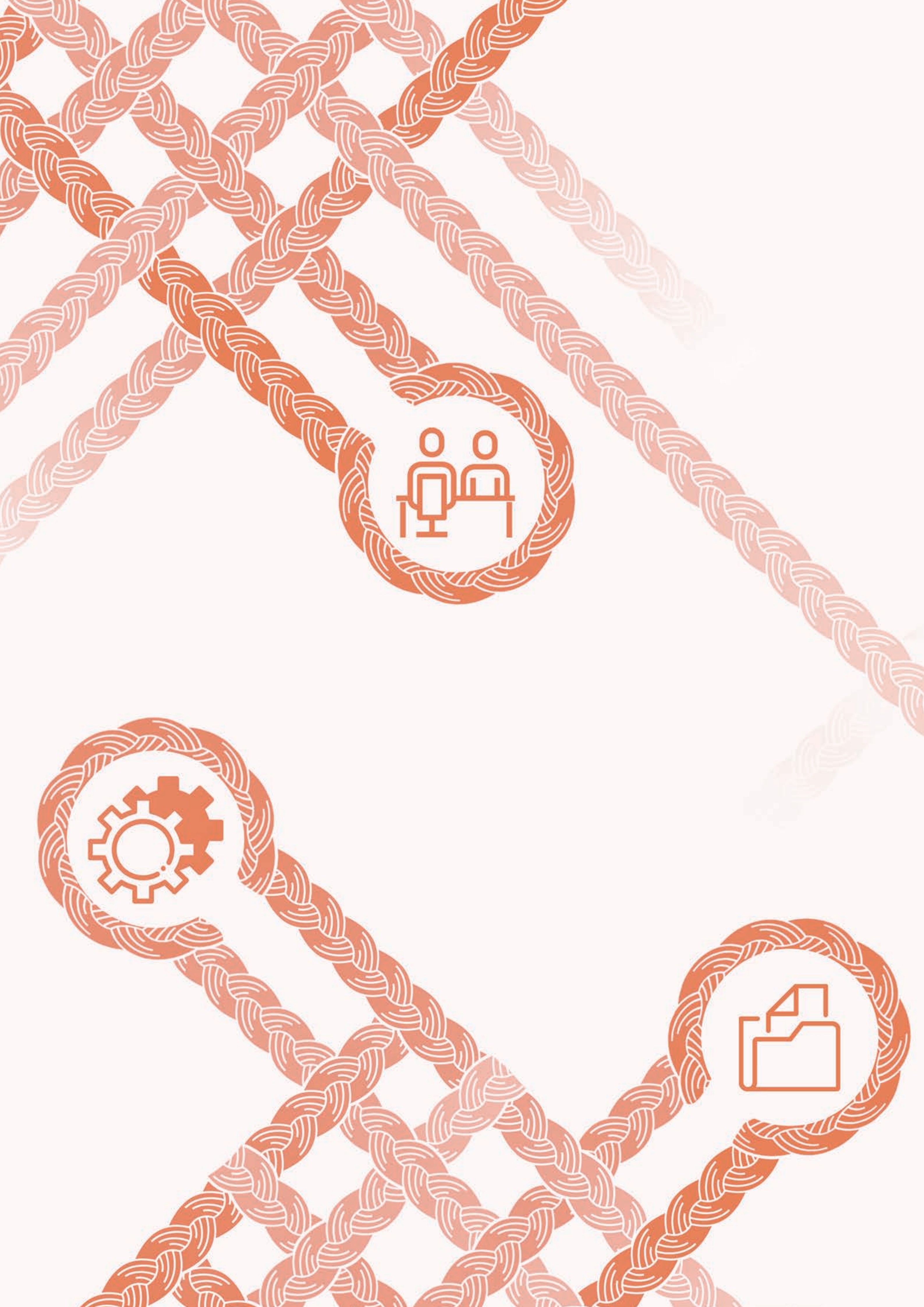
## Medical and Nursing

Professor Lai Kam Yuk, Claudia
Professor Lo Chung Mau, BBS, JP
Dr Shum Ping Shiu, BBS, JP

## Social Work and Rehabilitation Services

Professor Chan Lai Wan, Cecilia, JP
Ms Fang Meng Sang, Christine, BBS, JP
Professor Ma Lai Chong, Joyce, JP
Mr Ng Wang Tsang, Andy

* In alphabetical order





# FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2021

The Ombudsman, Hong Kong
Annual Report 2020/21

# Independent auditor's report to The Ombudsman

*(Established in Hong Kong pursuant to the Ombudsman Ordinance)*

## Opinion

We have audited the financial statements of The Ombudsman set out on pages 137 to 155, which comprise the statement of financial position as at 31 March 2021, the statement of income and expenditure, the statement of comprehensive income, the statement of changes in funds and the cash flow statement for the year then ended and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the financial statements give a true and fair view of the financial position of The Ombudsman as at 31 March 2021 and of its financial performance and its cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards ("HKFRSs") issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA").

## Basis for opinion

We conducted our audit in accordance with Hong Kong Standards on Auditing ("HKSAs") issued by the HKICPA. Our responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial statements* section of our report. We are independent of The Ombudsman in accordance with the HKICPA's *Code of Ethics for Professional Accountants* ("the Code") and we have fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

## Information other than the financial statements and auditor's report thereon

The Ombudsman is responsible for the other information. The other information comprises all the information included in the annual report, other than the financial statements and our auditor's report thereon.

Our opinion on the financial statements does not cover the other information and we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

## Responsibilities of The Ombudsman for the financial statements

The Ombudsman is responsible for the preparation of the financial statements that give a true and fair view in accordance with HKFRSs issued by the HKICPA and for such internal control as The Ombudsman determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, The Ombudsman is responsible for assessing The Ombudsman's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless The Ombudsman either intend to liquidate The Ombudsman or to cease operations, or have no realistic alternative but to do so.

## Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. This report is made solely to you, as a body, in accordance with our agreed terms of engagement, and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with HKSAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with HKSAs, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of The Ombudsman's internal control.

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by The Ombudsman.

– Conclude on the appropriateness of The Ombudsman's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on The Ombudsman's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause The Ombudsman to cease to continue as a going concern.

– Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with The Ombudsman regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

**KPMG**
Certified Public Accountants

8th Floor, Prince's Building
10 Chater Road
Central, Hong Kong

14 May 2021

# Statement of income and expenditure for the year ended 31 March 2021

*(Expressed in Hong Kong dollars)*

| | Note | 2021 | 2020 |
|---|---|---|---|
| **Income** | | | |
| Government subventions | 3 | **$ 127,856,000** | $ 127,419,000 |
| Amortisation of deferred Government subventions | 3 | **1,814,220** | 1,814,220 |
| Interest income on bank deposits | | **7,879,805** | 9,735,926 |
| Other income | | **260,576** | 14,270 |
| | | **$ 137,810,601** | $ 138,983,416 |
| **Expenditure** | | | |
| Operating expenses | 4 | **(129,220,929)** | (125,331,036) |
| **Surplus for the year** | | **$ 8,589,672** | $ 13,652,380 |

# Statement of comprehensive income for the year ended 31 March 2021

The Ombudsman had no components of comprehensive income other than "surplus for the year" in either of the years presented. Accordingly, no separate statement of comprehensive income is presented as The Ombudsman's "total comprehensive income" was the same as the "surplus" in both years.

The notes on pages 142 to 155 form part of these financial statements.

# Statement of financial position at 31 March 2021

*(Expressed in Hong Kong dollars)*

| | Note | 2021 | 2020 |
|---|---|---|---|
| **ASSETS** | | | |
| **Non-current asset** | | | |
| Property, plant and equipment | 7 | **$ 62,853,284** | $ 60,937,255 |
| **Current assets** | | | |
| Deposits and prepayments | | **$ 3,042,953** | $ 3,459,808 |
| Interest receivable | | **2,536,003** | 2,982,644 |
| Time deposits with original maturity over three months | | **382,433,000** | 380,136,000 |
| Cash and cash equivalents | 8 | **15,223,871** | 4,930,400 |
| | | **$ 403,235,827** | $ 391,508,852 |
| **Total assets** | | **$ 466,089,111** | $ 452,446,107 |
| **LIABILITIES** | | | |
| **Non-current liabilities** | | | |
| Contract gratuity payable – non-current | 9 | **$ 6,670,032** | $ 6,569,438 |
| Deferred Government subventions – non-current | 3 | **55,271,998** | 57,086,218 |
| | | **$ 61,942,030** | $ 63,655,656 |
| **Current liabilities** | | | |
| Other payables and accruals | | **$ 5,872,803** | $ 3,321,743 |
| Contract gratuity payable – current | 9 | **9,239,526** | 5,023,628 |
| Deferred Government subventions – current | 3 | **1,814,220** | 1,814,220 |
| | | **$ 16,926,549** | $ 10,159,591 |
| **Total liabilities** | | **$ 78,868,579** | $ 73,815,247 |

## Statement of financial position at 31 March 2021 (continued)

*(Expressed in Hong Kong dollars)*

| | Note | **2021** | 2020 |
|---|---|---|---|
| **FUNDS** | | | |
| Accumulated funds | | **$ 387,220,532** | $ 378,630,860 |
| **Total funds** | | **$ 387,220,532** | $ 378,630,860 |
| **Total funds and liabilities** | | **$ 466,089,111** | $ 452,446,107 |

Approved and authorised for issue by The Ombudsman on 14 May 2021

**Ms Winnie Chiu**
The Ombudsman

The notes on pages 142 to 155 form part of these financial statements.

# Statement of changes in funds for the year ended 31 March 2021

*(Expressed in Hong Kong dollars)*

| | | Accumulated funds |
|---|---|---|
| **Balance at 31 March 2019 and 1 April 2019** | $ | 364,978,480 |
| **Change in funds for 2019/2020:** | | |
| Surplus and total comprehensive income for the year | | 13,652,380 |
| **Balance at 31 March 2020 and 1 April 2020** | $ | 378,630,860 |
| **Change in funds for 2020/2021:** | | |
| Surplus and total comprehensive income for the year | | 8,589,672 |
| **Balance at 31 March 2021** | $ | 387,220,532 |

The notes on pages 142 to 155 form part of these financial statements.

# Cash flow statement for the year ended 31 March 2021

*(Expressed in Hong Kong dollars)*

| | Note | | 2021 | | 2020 |
|---|---|---|---|---|---|
| **Operating activities** | | | | | |
| Surplus for the year | | **$** | **8,589,672** | $ | 13,652,380 |
| Adjustments for: | | | | | |
| Interest income | | | **(7,879,805)** | | (9,735,926) |
| Depreciation | 4 | | **2,967,243** | | 2,623,224 |
| Amortisation of deferred Government subventions | | | **(1,814,220)** | | (1,814,220) |
| Loss/(gain) on disposal of property, plant and equipment | 4 | | **419** | | (2,397) |
| **Operating surplus before changes in working capital** | | **$** | **1,863,309** | $ | 4,723,061 |
| Decrease/(increase) in deposits and prepayments | | | **416,855** | | (2,559,502) |
| Increase in other payables and accruals | | | **2,551,060** | | 83,139 |
| Increase/(decrease) in contract gratuity payable | | | **4,316,492** | | (709,538) |
| **Net cash generated from operating activities** | | **$** | **9,147,716** | $ | 1,537,160 |
| **Investing activities** | | | | | |
| Interest received | | **$** | **8,326,446** | $ | 8,411,002 |
| Payments for purchase of property, plant and equipment | | | **(4,884,465)** | | (233,823) |
| Increase of time deposits with original maturity over three months | | | **(382,433,000)** | | (380,136,000) |
| Proceeds from time deposits with original maturity over three months matured | | | **380,136,000** | | 344,890,000 |
| Proceeds from sale of property, plant and equipment | | | **774** | | 2,500 |
| **Net cash generated from/(used in) investing activities** | | **$** | **1,145,755** | $ | (27,066,321) |
| **Net increase/(decrease) in cash and cash equivalents** | | **$** | **10,293,471** | $ | (25,529,161) |
| **Cash and cash equivalents at beginning of the year** | 8 | | **4,930,400** | | 30,459,561 |
| **Cash and cash equivalents at end of the year** | 8 | **$** | **15,223,871** | $ | 4,930,400 |

The notes on pages 142 to 155 form part of these financial statements.

# Notes to the financial statements

*(Expressed in Hong Kong dollars)*

## 1 Status of The Ombudsman

The Ombudsman was established as a corporation by statute on 19 December 2001. The functions of The Ombudsman are prescribed by the Ombudsman Ordinance.

The address of its registered office is 30/F, China Merchants Tower, Shun Tak Centre, 168–200 Connaught Road Central, Hong Kong.

## 2 Significant accounting policies

### (a) Statement of compliance and changes in accounting policies

These financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards ("HKFRSs"), which collective term includes all applicable individual Hong Kong Financial Reporting Standards, Hong Kong Accounting Standards ("HKASs") and Interpretations issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA") and accounting principles generally accepted in Hong Kong. Significant accounting policies adopted by The Ombudsman are disclosed below.

The HKICPA has issued certain amendment to HKFRSs that are first effective or available for early adoption for the current accounting period of The Ombudsman. Of these, the following developments are relevant to The Ombudsman's financial statements:

*Amendment to HKFRS 16, COVID-19-Related Rent Concessions*

The amendment provides a practical expedient that allows a lessee to by-pass the need to evaluate whether certain qualifying rent concessions occurring as a direct consequence of the COVID-19 pandemic ("COVID-19-related rent concessions") are lease modifications and, instead, account for those rent concessions as if they were not lease modifications.

The Ombudsman has elected to early adopt the amendments and applies the practical expedient to all qualifying COVID-19-related rent concessions granted to The Ombudsman during the year. Since, no right of use assets have been recorded in the financial statement. There is no impact on the opening balance of equity at 1 April 2020.

# 2 Significant accounting policies (continued)

## (b) Basis of preparation of the financial statements

The measurement basis used in the preparation of the financial statements is the historical cost basis.

The preparation of financial statements in conformity with HKFRSs requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets, liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

## (c) Property, plant and equipment

Property, plant and equipment are stated at cost less accumulated depreciation and impairment losses.

Depreciation is calculated to write off the cost of items of property, plant and equipment, less their estimated residual value, if any, using the straight line method over their estimated useful lives as follows:

| | | |
|---|---|---|
| – | Interest in leasehold land held for own use | Over unexpired term of lease |
| – | Building | 40 years |
| – | Leasehold improvements | 10 years |
| – | Office furniture | 5 years |
| – | Office equipment | 5 years |
| – | Computer equipment | 4 years |
| – | Motor vehicles | 5 years |

# 2 Significant accounting policies (continued)

## (c) Property, plant and equipment (continued)

Both the useful life of an asset and its residual value, if any, are reviewed annually.

The carrying amounts of property, plant and equipment are reviewed for indications of impairment at the end of each reporting period. An impairment loss is recognised in the statement of income and expenditure if the carrying amount of an asset, or the cash-generating unit to which it belongs, exceeds its recoverable amount. The recoverable amount of an asset, or of the cash-generating unit to which it belongs, is the greater of its fair value less costs of disposal and value in use. In assessing value in use, the estimated future cash flows are discounted to their present values using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the assets. An impairment loss is reversed if there has been a favourable change in the estimates used to determine the recoverable amount.

Gains or losses arising from the retirement or disposal of an item of property, plant and equipment are determined as the difference between the net disposal proceeds and the carrying amount of the item and are recognised in the statement of income and expenditure on the date of retirement or disposal.

## (d) Receivables

A receivable is recognised when The Ombudsman has an unconditional right to receive consideration. A right to receive consideration is unconditional if only the passage of time is required before payment of that consideration is due. If income has been recognised before The Ombudsman has an unconditional right to receive consideration, the amount is presented as a contract asset.

Receivables are stated at amortised cost using the effective interest method less allowance for credit losses as determined below:

The loss allowance is measured at an amount equal to lifetime expected credit losses ("ECLs"), which are those losses that are expected to occur over the expected life of the receivables. For all financial instruments (including deposits and interest receivable), The Ombudsman recognises a loss allowance equal to 12-month ECLs unless these has been a significant increase in credit risk of the financial instrument since initial recognition, in which case the loss allowance is measured at an amount equal to lifetime ECLs.

ECLs are remeasured at each reporting date with any changes recognised as an impairment gain or loss in profit or loss. The Ombudsman recognises an impairment gain or loss with a corresponding adjustment to the carrying amount of receivables through a loss allowance account.

The gross carrying amount of receivable is written off (either partially or in full) to the extent that there is no realistic prospect of recovery. This is generally the case when The Ombudsman determines that the debtor does not have assets or sources of income that could generate sufficient cash flows to repay the amounts subject to the write-off.

# 2 Significant accounting policies (continued)

## (e) Payables

Payables are initially recognised at fair value. Payables are subsequently stated at amortised cost unless the effect of discounting would be immaterial, in which case they are stated at cost.

## (f) Cash and cash equivalents

Cash and cash equivalents comprise cash at bank and on hand, demand deposits with banks and other financial institutions, and short-term, highly liquid investments that are readily convertible into known amounts of cash and which are subject to an insignificant risk of changes in value, having been within three months of maturity at acquisition.

## (g) Employee benefits

Salaries, gratuities, paid annual leave, leave passage and the cost to The Ombudsman of non-monetary employee benefits are accrued in the year in which the associated services are rendered by employees of The Ombudsman. Where payment or settlement is deferred and the effect would be material, these amounts are stated at their present values.

## (h) Provisions and contingent liabilities

Provisions are recognised when The Ombudsman has a legal or constructive obligation arising as a result of a past event, it is probable that an outflow of economic benefits will be required to settle the obligation and a reliable estimate can be made. Where the time value of money is material, provisions are stated at the present value of the expenditure expected to settle the obligation.

Where it is not probable that an outflow of economic benefits will be required, or the amount cannot be estimated reliably, the obligation is disclosed as a contingent liability, unless the probability of outflow of economic benefits is remote. Possible obligations, whose existence will only be confirmed by the occurrence or non-occurrence of one or more future events are also disclosed as contingent liabilities unless the probability of outflow of economic benefits is remote.

# 2 Significant accounting policies (continued)

## (i) Income recognition

### *(i) Government subventions*

An unconditional Government subvention is recognised as income in the statement of income and expenditure when the grant becomes receivable. Other Government subventions are recognised in the statement of financial position initially when there is reasonable assurance that they will be received and that The Ombudsman will comply with the conditions attaching to them. Subventions that compensate The Ombudsman for expenses incurred are recognised as income in the statement of income and expenditure on a systematic basis in the same periods in which the expenses are incurred. Subventions that compensate The Ombudsman for the cost of an asset are included in the statement of financial position as deferred Government subventions and recognised in the statement of income and expenditure over the period of the lease term or useful live of the related asset on a basis consistent with the depreciation policy as set out in note 2(c).

### *(ii) Interest income*

Interest income is recognised as it accrues using the effective interest method.

## (j) Related parties

(a) A person, or a close member of that person's family, is related to The Ombudsman if that person:

- (i) has control or joint control over The Ombudsman;
- (ii) has significant influence over The Ombudsman; or
- (iii) is a member of the key management personnel of The Ombudsman.

# 2 Significant accounting policies (continued)

## (j) Related parties (continued)

(b) An entity is related to The Ombudsman if any of the following conditions applies:

(i) The entity and The Ombudsman are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others).

(ii) One entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of a group of which the other entity is a member).

(iii) Both entities are joint ventures of the same third party.

(iv) One entity is a joint venture of a third entity and the other entity is an associate of the third entity.

(v) The entity is a post-employment benefit plan for the benefit of employees of either The Ombudsman or an entity related to The Ombudsman.

(vi) The entity is controlled or jointly controlled by a person identified in note 2(j)(a).

(vii) A person identified in note 2(j)(a)(i) has significant influence over the entity or is a member of the key management personnel of the entity (or of a parent of the entity).

(viii) The entity, or any member of a group of which it is a part, provides key management personnel services to The Ombudsman.

Close members of the family of a person are those family members who may be expected to influence, or be influenced by, that person in their dealings with the entity.

## 3 Government subventions and deferred Government subventions

Government subventions represent the funds granted by the Government for daily operations of The Ombudsman.

Deferred Government subventions represent the funds granted by the Government for prepaid lease payments and the purchase of building. Amortisation of deferred Government subventions is recognised on a straight line basis over the period of the lease term of 54 years of interest in leasehold land held for own use for prepaid lease payments and the useful life of 40 years of building in accordance with the accounting policies set out in notes 2(c) and 2(i)(i).

At 31 March 2021, the deferred Government subventions are expected to be amortised as follows:

| | | **2021** | | 2020 |
|---|---|---|---|---|
| Within one year and included in current liabilities | **$** | **1,814,220** | $ | 1,814,220 |
| After one year and included in non-current liabilities | | **55,271,998** | | 57,086,218 |
| | **$** | **57,086,218** | $ | 58,900,438 |

## 4 Operating expenses

| | | **2021** | | 2020 |
|---|---|---|---|---|
| Employee benefit expenses (note 5) | **$** | **118,435,343** | $ | 114,639,117 |
| Depreciation of property, plant and equipment (note 7) | | **2,967,243** | | 2,623,224 |
| Rates and management fee | | **3,278,682** | | 3,215,584 |
| Expense relating to short-term leases | | **100,800** | | 100,800 |
| Auditor's remuneration | | **95,000** | | 92,000 |
| Loss/(gain) on disposal of property, plant and equipment | | **419** | | (2,397) |
| Other expenses | | **4,343,442** | | 4,662,708 |
| | **$** | **129,220,929** | $ | 125,331,036 |

## 5 Employee benefit expenses

| | 2021 | 2020 |
|---|---|---|
| Salaries and allowances | **$ 101,191,667** | $ 98,217,291 |
| Contract gratuity | **10,638,607** | 10,687,001 |
| Pension costs – MPF scheme | **2,780,775** | 2,688,318 |
| Unutilised annual leave | **846,726** | 846,726 |
| Other employee benefit expenses | **2,977,568** | 2,199,781 |
| | **$ 118,435,343** | $ 114,639,117 |

## 6 Key management compensation

| | 2021 | 2020 |
|---|---|---|
| Short-term employee benefits | **$ 18,472,303** | $ 17,589,727 |
| Post-employment benefits | **2,751,059** | 3,190,732 |
| | **$ 21,223,362** | $ 20,780,459 |

# 7 Property, plant and equipment

| | Interest in leasehold land held for own use | Building | Leasehold improvements | Office furniture | Office equipment | Computer equipment | Motor vehicles | Total |
|---|---|---|---|---|---|---|---|---|
| **Cost:** | | | | | | | | |
| At 1 April 2020 | $ 74,900,000 | $ 16,800,000 | $ 16,225,950 | $ 873,498 | $ 1,785,073 | $ 6,302,896 | $ 695,001 | $117,582,418 |
| Additions | – | – | 764,436 | 39,849 | 173,080 | 3,607,221 | 299,879 | 4,884,465 |
| Disposals | – | – | – | (28,653) | (44,194) | (141,231) | – | (214,078) |
| At 31 March 2021 | $ 74,900,000 | $ 16,800,000 | $ 16,990,386 | $ 884,694 | $ 1,913,959 | $ 9,768,886 | $ 994,880 | $122,252,805 |
| **Accumulated depreciation:** | | | | | | | | |
| At 1 April 2020 | $ 25,217,124 | $ 7,582,438 | $ 14,910,402 | $ 759,226 | $ 1,515,623 | $ 6,092,767 | $ 567,583 | $ 56,645,163 |
| Charge for the year | 1,394,220 | 420,000 | 407,952 | 38,379 | 119,626 | 409,203 | 177,863 | 2,967,243 |
| Written back on disposals | – | – | (1,701) | (28,652) | (43,905) | (138,627) | – | (212,885) |
| At 31 March 2021 | $ 26,611,344 | $ 8,002,438 | $ 15,316,653 | $ 768,953 | $ 1,591,344 | $ 6,363,343 | $ 745,446 | $ 59,399,521 |
| **Net book value:** | | | | | | | | |
| At 31 March 2021 | $ 48,288,656 | $ 8,797,562 | $ 1,673,733 | $ 115,741 | $ 322,615 | $ 3,405,543 | $ 249,434 | $ 62,853,284 |

| | Interest in leasehold land held for own use | Building | Leasehold improvements | Office furniture | Office equipment | Computer equipment | Motor vehicles | Total |
|---|---|---|---|---|---|---|---|---|
| **Cost:** | | | | | | | | |
| At 1 April 2019 | $ 74,900,000 | $ 16,800,000 | $ 16,225,950 | $ 852,401 | $ 1,765,521 | $ 6,186,456 | $ 874,801 | $ 117,605,129 |
| Additions | – | – | – | 40,331 | 48,018 | 145,474 | – | 233,823 |
| Disposals | – | – | – | (19,234) | (28,466) | (29,034) | (179,800) | (256,534) |
| At 31 March 2020 | $ 74,900,000 | $ 16,800,000 | $ 16,225,950 | $ 873,498 | $ 1,785,073 | $ 6,302,896 | $ 695,001 | $ 117,582,418 |
| **Accumulated depreciation:** | | | | | | | | |
| At 1 April 2019 | $ 23,822,904 | $ 7,162,438 | $ 14,468,239 | $ 730,918 | $ 1,441,938 | $ 6,043,550 | $ 608,383 | $ 54,278,370 |
| Charge for the year | 1,394,220 | 420,000 | 442,163 | 47,542 | 102,048 | 78,251 | 139,000 | 2,623,224 |
| Written back on disposals | – | – | – | (19,234) | (28,363) | (29,034) | (179,800) | (256,431) |
| At 31 March 2020 | $ 25,217,124 | $ 7,582,438 | $ 14,910,402 | $ 759,226 | $ 1,515,623 | $ 6,092,767 | $ 567,583 | $ 56,645,163 |
| **Net book value:** | | | | | | | | |
| At 31 March 2020 | $ 49,682,876 | $ 9,217,562 | $ 1,315,548 | $ 114,272 | $ 269,450 | $ 210,129 | $ 127,418 | $ 60,937,255 |

The Ombudsman's interest in leasehold land is held under long lease.

Notes to the financial statements (continued)
*(Expressed in Hong Kong dollars)*

## 8 Cash and cash equivalents

| | | **2021** | | 2020 |
|---|---|---|---|---|
| Cash at bank | **$** | **15,218,871** | $ | 4,925,400 |
| Cash in hand | | **5,000** | | 5,000 |
| | **$** | **15,223,871** | $ | 4,930,400 |

## 9 Contract gratuity payable

The amount represents the gratuity payable to staff on expiry of their employment contracts. The amount of gratuity ranges from 10% to 25% (2020: 10% to 25%) of the basic salary less employer's contributions to MPF.

## 10 Taxation

The Ombudsman is exempt from taxation in respect of the Inland Revenue Ordinance in accordance with Schedule 1A Section 5(1) of the Ombudsman Ordinance.

## 11 Commitments

At 31 March 2021, the total future aggregate minimum lease payments under non-cancellable operating leases in respect of parking spaces are payable as follows:

| | | **2021** | | 2020 |
|---|---|---|---|---|
| Within 1 year | **$** | **8,400** | $ | 8,400 |

The lease remain in force unless terminated by giving notice in writing of not less than one calendar month.

## 12 Management of accumulated funds

The Ombudsman's primary objective when managing its accumulated funds is to safeguard The Ombudsman's ability to continue as a going concern. The Ombudsman is not subject to externally imposed requirements relating to its accumulated funds.

## 13 Financial risk management and fair values of financial instruments

Risk management is carried out by the General and Finance Section under policies approved by The Ombudsman. The General and Finance Section identifies and evaluates financial risks in close co-operation with the operating units. The Ombudsman's exposure to credit, liquidity, interest rate and currency risks are described below:

### (a) Credit risk

Credit risk refers to the risk that a counter party will default on its contractual obligations resulting in a financial loss to The Ombudsman. The Ombudsman's credit risk is primarily attributable to time deposits and cash and cash equivalents. The Ombudsman has a credit policy in place and the exposure to this credit risk is monitored on an ongoing basis.

Cash is deposited with financial institutions with sound credit ratings to minimise credit exposure.

The maximum exposure to credit risk is represented by the carrying amount of each financial asset in the statement of financial position. The Ombudsman does not provide any guarantees which would expose The Ombudsman to credit risk.

Notes to the financial statements (continued)
*(Expressed in Hong Kong dollars)*

# 13 Financial risk management and fair values of financial instruments (continued)

## (b) Liquidity risk

The Ombudsman's policy is to regularly monitor its current and expected liquidity requirements and to ensure that it maintains sufficient reserves of cash to meet its liquidity requirements in the short and longer term.

The following table shows the remaining contractual maturities at the end of the reporting period of The Ombudsman's financial liabilities, which are based on contractual undiscounted cash flows and the earliest date The Ombudsman can be required to pay:

| | **2021** | | | | |
|---|---|---|---|---|---|
| | **Contractual undiscounted cash outflow** | | | | |
| | **Within 1 year or on demand** | **More than 1 year but less than 2 years** | **More than 2 years but less than 5 years** | **Total contractual undiscounted cash flows** | **Carrying amount** |
| Contract gratuity payable | **$ 9,239,526** | **$ 5,779,880** | **$ 890,152** | **$ 15,909,558** | **$ 15,909,558** |
| Other payables and accruals | **5,872,803** | **–** | **–** | **5,872,803** | **5,872,803** |
| | **$ 15,112,329** | **$ 5,779,880** | **$ 890,152** | **$ 21,782,361** | **$ 21,782,361** |

| | 2020 | | | | |
|---|---|---|---|---|---|
| | Contractual undiscounted cash outflow | | | | |
| | Within 1 year or on demand | More than 1 year but less than 2 years | More than 2 years but less than 5 years | Total contractual undiscounted cash flows | Carrying amount |
| Contract gratuity payable | $ 5,023,628 | $ 4,804,065 | $ 1,765,373 | $ 11,593,066 | $ 11,593,066 |
| Other payables and accruals | 3,321,743 | – | – | 3,321,743 | 3,321,743 |
| | $ 8,345,371 | $ 4,804,065 | $ 1,765,373 | $ 14,914,809 | $ 14,914,809 |

# 13 Financial risk management and fair values of financial instruments (continued)

## (c) Interest rate risk

Interest rate risk is the risk that the value of a financial instrument will fluctuate due to changes in market interest rates. The Ombudsman's only exposure to interest rate risk is via its bank balances which bear interest at market rates.

*Sensitivity analysis*

At 31 March 2021, it is estimated that a general increase/decrease of 100 (2020: 100) basis points in interest rates, with all other variables held constant, would have increased The Ombudsman's surplus and accumulated funds by approximately $152,000 (2020: $47,000).

The sensitivity analysis above has been determined assuming that the change in interest rates had occurred at the end of the reporting period and had been applied to the financial instruments which expose The Ombudsman to interest rate risk at that date. The 100 basis points increase or decrease represents The Ombudsman's assessment of a reasonably possible change in interest rates over the period until the next annual reporting period. The analysis is performed on the same basis for 2020.

## (d) Currency risk

The Ombudsman has no exposure to currency risk as all of The Ombudsman's transactions are denominated in Hong Kong dollars.

## (e) Fair value measurement

The carrying amounts of The Ombudsman's financial instruments carried at cost or amortised cost were not materially different from their fair values at 31 March 2021 and 2020.

# 14 Material related party transactions

## Transactions with key management personnel

Remuneration of all members of key management personnel is disclosed in note 6.

## 15 Possible impact of amendments, new standards and interpretations issued but not yet effective for the year ended 31 March 2021

Up to the date of issue of these financial statements, the HKICPA has issued a number of amendments and a new standard, HKFRS 17, *Insurance contracts*, which are not yet effective for the year ended 31 March 2021 and which have not been adopted in these financial statements. These developments include the following which may be relevant to The Ombudsman.

| | Effective for accounting periods beginning on or after |
|---|---|
| Amendments to HKFRS 9, HKAS 39, HKFRS 7, HKFRS 4 and HKFRS 16, *Interest Rate Benchmark Reform–Phase 2* | 1 January 2021 |
| Annual Improvements to HKFRSs 2018–2020 Cycle | 1 January 2022 |
| Amendments to HKAS 1, *Classification of Liabilities as Current or Non-current* | 1 January 2023 |

The Ombudsman is in the process of making an assessment of what the impact of these developments is expected to be in the period of initial application. So far The Ombudsman has concluded that the adoption of them is unlikely to have a significant impact on the financial statements.

# Complainants Charter

We endeavour to provide a high standard of service to the public. In fully discharging our duties, this Office has drawn up the following Charter:

## Our Commitment

- Handle complaints in a professional, impartial and efficient manner
- Keep complainants informed of the progress and outcome of our inquiries
- Explain our decisions clearly
- Protect complainants' privacy
- Treat the public with courtesy and respect

Complainants not satisfied with our findings may write to this Office and state the grounds for a review of their cases. Any views on individual staff or our services may be directed to the Chief Manager of this Office. We will take follow-up action with professionalism and fairness.

## Complainants' Responsibilities

- State clearly the issues of complaint
- Provide true and accurate information in a timely way
- Cooperate in our inquiries
- Lodge complaints in a reasonable manner
- Treat the staff with courtesy and respect

If complainants are not cooperative, the progress and/or outcome of our inquiries may be affected. In such circumstances, we will take proper actions as appropriate, such as making our decision on the basis of available evidence or terminating the inquiry.

# Office of The Ombudsman, Hong Kong


| | |
|---|---|
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| Complaint email address | complaints@ombudsman.hk |



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